THE Doctrine & Discipline OF DIVORCE:

Restor'd to the good of both SEXES, From the bondage of CANON LAW, and other mistakes, to the true meaning of Scripture in the Law and Gospel compar'd.

Wherin also are set down the bad consequences of abolishing or condemning of Sin, that which the Law of God allowes, and Christ abolisht not.

Now the second time revis'd and much augmented, In Two BOOKS:

To the Parlament of *England* with the Assembly.

The Author *I. M.*

Matth. 13. 52.

Every Scribe instructed to the Kingdome of Heav'n, is like the Maister of a house which bringeth out of his treasury things new and old.

Prov. 18. 13.

He that answereth a matter before he heareth it, it is folly and shame unto him.

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THE
Doctrine & Discipline

To the PARLAMENT of ENGLAND, with the ASSEMBLY.

IF it were seriously askt, and it would be no untimely question, Renowned Parlament, select Assembly, who of all Teachers & Masters that ever have taught, hath drawn the most Disciples after him, both in Religion, and in manners, it might be not untruly answer'd, Custome. Though vertue be commended for the most perswasive in her Theory; and Conscience in the plain demonstration of the spirit, finds most evincing, yet whether it be the secret of divine will, or the originall blindnesse we are born in, so it happ'ns for the most part, that Custome still is silently receiv'd for the best instructer. Except it be, because her method is so glib and easie, in some manner like to that vision of Ezekiel, rowling up her sudden book of implicit knowledge, for him that will, to take and swallow down at pleasure; which proving but of bad nourishment in the concoction, as it was heedlesse in the devouring, puffs up unhealthily, a certain big face of pretended learning, mistaken among credulous men, for the wholsome habit of soundnesse and good constitution; but is indeed no other, then that swoln visage of counterfeit knowledge and literature, which not onely in private marrs our education, but also in publick is the common climer into every chaire, where either Religion is preach't, or Law reported: filling each estate of life and profession, with abject and servil principles; depressing the high and Heaven-born spirit of Man, far beneath the condition wherin either God created him, or sin hath sunke him. To persue the Allegory, Custome being but a meer face, as Ecchо is a meer voice, rests not in her unaccomplishment, untill by secret inclination, she accorporat her self with error, who being a blind and Serpentine body without a head, willingly accepts what he wants, and supplies what her incompleatnesse went seeking. Hence it is, that Error supports Custome, Custome countenances Error. And these two between them would persecute and chase away all truth and solid wisdome out of humane life, were it not that God, rather then man, once in many ages, cals together the prudent and Religious counsels of Men, deputed to represse the encroachments, and to work off the inveterate blots and obscurities wrought upon our minds by the suttle insinuating of Error and Custome: Who with the numerous and vulgar train of their followers, make it their chief designe to envie and cry-down the industry of free reasoning, under the terms of humor, and innovation; as if the womb of teeming Truth were to be clos'd up, if she presume to bring forth ought, that sorts not with their unchew'd notions and suppositions. Against which notorious injury and abuse of mans free soul to testifie and oppose the utmost that study and true labour can attain, heretofore the incitement of

men reputed grave hath led me among others; and now the duty and the right of an inſtructed Chriſtian cals me through the chance of good or evill report, to be the ſole advocate of a diſcount'nanc't truth: a high enterpriſe Lords and Commons, a high enterpriſe and a hard, and ſuch as every ſeventh Son of a ſeventh Son does not venture on. Nor have I amidſt the clamor of ſo much envie and impertinence, whether to appeal, but to the concourſe of ſo much piety and wiſdom heer aſſembl'd. Bringing in my hands an ancient and moſt neceſſary, moſt charitable, and yet moſt injur'd Statute of Moſes: not repeal'd ever by him who only had the authority, but thrown aſide with much inconſiderat neglect, under the rubbiſh of Canonicall ignorance: as once the whole law was by ſome ſuch like conveyance in Joſiahs time. And he who ſhall indeavour the amendment of any old neglected grievance in Church or State, or in the daily courſe of life, if he be gifted with abilities of mind that may raiſe him to ſo high an undertaking, I grant he hath already much wherof not to repent him; yet let me arreed him, not to be the foreman of any miſ-judg'd opinion, unleſſe his reſolutions be firmly ſeated in a ſquare and conſtant mind, not conſcious to it ſelf of any deſerved blame, and regardleſſe of ungrounded ſuſpicions. For this let him be ſure he ſhall be boorded preſently by the ruder ſort, but not by diſcreet and well nurtur'd men, with a thouſand idle deſcants and ſurmiſes. Who when they cannot confute the leaſt joynt or ſinew of any paſſage in the book; yet God forbid that truth ſhould be truth, becauſe they have a boiſtrous conceit of ſome pretences in the Writer. But were they not more buſie and inquiſitive then the Apoſtle commends, they would hear him at leaſt, rejoycing, ſo the truth be preacht, whether of envie or other pretence whatſoever: For Truth is as impoſſible to be ſoil'd by any outward touch, as the Sun beam. Though this ill hap wait on her nativity, that ſhe never comes into the world, but like a Baſtard, to the ignominy of him that brought her forth: till Time the Midwife rather then the mother of Truth, have waſht and ſalted the Infant, declar'd her legitimat, and Churcht the father of his young Minerva, from the needleſſe cauſes of his purgation. Your ſelves can beſt witneſſe this, worthy Patriots, and better will, no doubt, hereafter: for who among ye of the formoſt that have travail'd in her behalf to the good of Church, or State, hath not been often traduc't to be the agent of his own by-ends, under pretext of Reformation. So much the more I ſhall not be unjuſt to hope, that however Infamy, or Envy may work in other men to do her fretfull will againſt this diſcourſe, yet that the experience of your own uprightnes miſ-interpreted, will put ye in mind to give it free audience and generous conſtruction. What though the brood of Belial, the draffe of men, to whom no liberty is pleaſing, but unbridl'd and vagabond luſt without pale or partition, will laugh broad perhaps, to ſee ſo great a ſtrength of Scripture muſtering up in favour, as they ſuppoſe, of their debauſheries; they will know better, when they ſhall hence learn, that honeſt liberty is the greateſt foe to diſhoneſt licence. And what though others out of a wateriſh and queaſy conſcience be-

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cause ever crasy and never yet sound, will rail and fancy to themselves, that injury and licence is the best of this Book? Did not the distemper of their own stomacks affect them with a dizzy megrim, they would soon tie up their tongues, and discern themselves like that Assyrian blasphemer all this while reproaching not man but the Almighty, the holy one of Israel, whom they do not deny to have belawgiv'n his own saered people with this very allowance, which they now call injury and licence, and dare cry shame on, and will do yet a while, till they get a little cordiall sobriety to settle their qualming zeal. But this question concerns not us perhaps: Indeed mans disposition though prone to search after vain curiosities, yet when points of difficulty are to be discussi, appertaining to the removal of unreasonable wrong and burden from the perplext life of our brother, it is incredible how cold, how dull, and far from all fellow feeling we are, without the spur of self-concernment. Yet if the wisdome, the justice, the purity of God be to be cleer'd from foulest imputations which are not yet avoided, if charity be not to be degraded and trodd'n down under a civill Ordinance, if Matrimony be not to be advanc't like that exalted perdition, writt'n of to the Thessalonians, above all that is called God, or goodnesse, nay, against them both, then I dare affirm there will be found in the Contents of this Book, that which may concern us all. You it concerns chiefly, Worthies in Parlament, on whom, as on our deliverers, all our grievances and cares, by the merit of your eminence and fortitude are devolv'd: Me it concerns next, having with much labour and faithfull diligence first found out, or at least with a fearlesse and communicative candor first publisht to the manifest good of Christendome, that which calling to witnesse every thing mortall and immortall, I beleeve unfainedly to be true. Let not other men think their conscience bound to search continually after truth, to pray for enlightning from above, to publish what they think they have so obtain'd, and debar me from conceiving my self ty'd by the same duties. Ye have now, doubtlesse by the favour and appointment of God, ye have now in your hands a great and populous Nation to Reform; from what corruption, what blindnes in Religion ye know well; in what a degenerat and fal'n spirit from the apprehension of native liberty, and true manlines, I am sure ye find: with what unbounded licence rushing to whordoms & adulteries needs not long enquiry: insomuch that the fears which men have of too strict a discipline, perhaps exceed the hopes that can be in others, of ever introducing it with any great successe. What if I should tell ye now of dispensations and indulgences, to give a little the rains, to let them play and nibble with the bait a while; a people as hard of heart as that Egyptian Colony that went to Canaan. This is the common doctrine that adulterous and injurious divorces were not conniv'd only, but with eye open allow'd of old for hardnesse of heart. But that opinion, I trust, by then this following argument hath been well read, will be left for one of the mysteries of an indulgent Antichrist, to farm out incest by, and those his other tributary pollutions. What middle way can be tak'n then, may some interrupt, if we must neither turn to the right nor to the left, and that the people hate to be reform'd:

Mark then, Judges and Lawgivers, and ye whose Office it is to be our teachers, for I will utter now a doctrine, if ever any other, though neglected or not understood, yet of great and powerfull importance to the governing of mankind. He who wisely would restrain the reasonable Soul of man within due bounds, must first himself know perfectly, how far the territory and dominion extends of just and honest liberty. As little must he offer to bind that which God hath loos'n'd, as to loos'n that which he hath bound. The ignorance and mistake of this high point, hath heapt up one huge half of all the misery that hath bin since Adam. *In the Gospel we shall read a supercilious crew of masters, whose holinesse, or rather whose evil eye, grieving that God should be so facil to man, was to set straiter limits to obedience, then God had set; to inslave the dignity of man, to put a garrison upon his neck of empty and overdignifi'd precepts: And we shall read our Saviour never more griev'd and troubl'd, then to meet with such a peevish madnesse among men against their own freedome. How can we expect him to be lesse offended with us, when much of the same folly shall be found yet remaining where it lest ought, to the perishing of thousands. The greatest burden in the world is superstition; not only of Ceremonies in the Church, but of imaginary and scarcrow sins at home. What greater weakning, what more subtle stratagem against our Christian warfare, when besides the grosse body of real transgressions to encounter; we shall be terrifi'd by a vain and shadowy menacing of faults that are not: When things indifferent shall be set to over-front us, under the banners of sin, what wonder if we be routed, and by this art of our Adversary, fall into the subjection of worst and deadliest offences. The superstition of the Papist is,* touch not, taste not, *when* God *bids both: and ours is,* part not, separat not, *when God and charity both permits and commands.* Let all your things be done with charity, *saith St.* Paul: *and his Master saith,* She is the fulfilling of the Law. *Yet now a civil, an indifferent, a sometime disswaded Law of mariage, must be forc't upon us to fulfill, not onely without charity, but against her. No place in Heav'n or Earth, except Hell, where charity may not enter: yet mariage the Ordinance of our solace and contentment, the remedy of our lonelinesse will not admit now either of charity or mercy to come in and mediate or pacifie the fiercenes of this gentle Ordinance, the unremedied lonelines of this remedy. Advise ye well, supreme Senat, if charity be thus excluded and expulst, how ye will defend the untainted honour of your own actions and proceedings: He who maries, intends as little to conspire his own ruine, as he that swears Allegiance: and as a whole people is in proportion to an ill Government, so is one man to an ill mariage. If they against any authority, Covnant, or Statute, may by the soveraign edict of charity, save not only their lives, but honest liberties from unworthy bondage, as well may he against any private Cov'nant, which he never enter'd to his mischief, redeem himself from unsupportable disturbances to honest peace, and just contentment: And much the rather, for that to resist the highest Magistrat though tyrannizing, God never gave us expresse allowance, only he gave us reason, charity, nature and good example to bear us out; but in this economicall mis-*

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fortune thus to demean our selves, besides the warrant of those foure great directors, which doth as justly belong hither, we have an expresse law of God, and such a law, as wherof our Saviour with a solemn threat forbid the abrogating. For no effect of tyranny can sit more heavy on the Common-wealth, then this houshold unhappines on the family. And farewell all hope of true Reformation in the State, while such an evil as this lies undiscern'd or unregarded in the house. On the redresse wherof depends, not only the spiritfull and orderly life of our grown men, but the willing, and carefull education of our children. Let this therfore be new examin'd, this tenure and free-hold of mankind, this native and domestick Charter giv'n us by a greater Lord then that Saxon King the Confessor. Let the statutes of God be turn'd over, be scann'd a new, and consider'd; not altogether by the narrow intellectuals of quotationists and common placers, but (as was the ancient right of Counsels) by men of what liberall profession soever, of eminent spirit and breeding joyn'd with a diffuse and various knowledge of divine and human things; able to ballance and define good and evil, right and wrong, throughout every state of life; able to shew us the waies of the Lord, strait & faithfull as they are, not full of cranks and contradictions, and pit falling dispenses, but with divine insight and benignity measur'd out to the proportion of each mind and spirit, each temper and disposition, created so different each from other, and yet by the skill of wise conducting, all to become uniform in vertue. To expedite these knots were worthy a learned and memorable Synod; while our enemies expect to see the expectation of the Church tir'd out with dependencies and independencies how they will compound, and in what Calends. Doubt not, worthy Senators, to vindicate the sacred honour and judgement of Moses your predecessor, from the shallow commenting of Scholasticks and Canonists. Doubt not after him to reach out to your steddy hands to the mis-inform'd and wearied life of man; to restore this his lost heritage, into the household state; wherwith be sure that peace and love, the best subsistence of a Christian family will return home from whence they are now banisht; places of prostitution will be lesse haunted, the neighbors bed lesse attempted, the yoke of prudent and manly discipline will be generally submitted to, sober and well order'd living will soon spring up in the Common-wealth. Ye have an author great beyond exception, Moses; and one yet greater, he who hedg'd in from abolishing, every smallest jot and tittle of precious equity contain'd in that Law, with a more accurat and lasting Masoreth, then either the Synagogue of Ezra, or the Galilean School at Tiberias hath left us. Whatever else ye can enact, will scarce concern a third part of the British name: but the benefit and good of this your magnimous example, will easily spread far beyond the banks of Tweed and the Norman Iles. It would not be the first, or second time, since our ancient Druides, by whom this Iland was the Cathedral of Philosophy to France, left off their pagan rites, that England hath had this honour vouchsaft from Heav'n, to give out reformation to the world. Who was it but our English Constantine, that baptiz'd the Roman Empire? who but the Northumbrian Willibrode, and Winifride of

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Devon *with their followers, were the first Apostles of* Germany? *who but* Alcuin *and* Wicklef *our Country men open'd the eyes of* Europe, *the one in arts, the other in Religion. Let not* England, *forget her precedence of teaching nations how to live.*

Know, Worthies, know and exercise the privilege of your honour'd Country. A greater title I heer bring ye, then is either in the power or in the policy of Rome *to give her* Monarchs; *this glorious act will stile ye the defenders of Charity. Nor is this yet the highest inscription that wil adorn so religious and so holy a defence as this; behold heer the pure and sacred Law of God, and his yet purer and more sacred name offring themselves to you first, of all Christian reformers to be acquitted from the long suffer'd ungodly attribute of patronizing Adultery. Defer not to wipe off instantly these imputative blurrs and stains cast by rude fancies upon the throne and beauty it self of inviolable holines: left some other people more devout and wise then we, bereav us this offer'd immortal glory, our wonted prerogative, of being the first asserters in every great vindication. For me, as far as my part leads me, I have already my greatest gain, assurance and inward satisfaction to have don in this nothing unworthy of an honest life, and studies wel employ'd. With what event among the wise & right understanding handfull of men, I am secure. But how among the drove of Custom and Prejudice this will be relisht, by such whose capacity, since their youth run ahead into the easie creek of a System or a Medulla, sails there at will under the blown physiognomy of their unlabour'd rudiments, for them, what their tast will be, I have also surety sufficient, from the entire league that hath bin ever between formal ignorance and grave obstinacie. Yet when I remember the little that our Saviour could prevail about this doctrine of Charity against the crabbed texuists of his time, I make no wonder, but rest confident that who so preferrs either Matrimony, or other Ordinance before the good of man and the plain exigence of Charity, let him professe Papist, or Protestant, or what he will, he is no better then a Pharisie, And understands not the Gospel: whom as a misinterpreter of Christ I openly protest against; and provoke him to the triall of this truth before all the world: and let him bethink him withall how he will soder up the shifting flaws of his angirt permissions, his venial and unvenial dispences, wherwith the Law of God pardoning and unpardoning hath bin shamefully branded, for want of heed in glossing, to have eluded and bafft out all Faith and chastity from the mariagebed of that holy seed, with politick and judiciall adulteries. I seek not to seduce the simple and illiterat; my errand is to find out the choisest and the learnedst, who have this high gift of wisdom to answer solidly, or to be convinc't. I crave it from the piety, the learning and the prudence which is hous'd in this place. It might perhaps more fitly have bin writt'n in another tongue; and I had don so, but that the esteem I have of my Countries judgement, and the love I bear to my native language to serv it first with what I endeavour, made me speak it thus; ere I assay the verdit of outlandish readers. And perhaps also heer I might have ended nameles, but that the addresse of these lines chiefly to the Parlament of* England *might have seem'd ingratefull not to acknowledge by whose Religious care, unwearied watchfulnes, courragious and heroick resolutions, I enjoy the peace and studious leisure to remain,*

The Honourer and Attendant of their Noble worth and vertues,

John Milton.

THE DOCTRINE AND DISCIPLINE of DIVORCE,

Restor'd to the good of both Sexes,

I. Book.

The Preface.

That Man is the occasion of his own miseries, in most of those evills which he imputes to Gods inflicting. The absurdity of our Canonists in their decrees about divorce. The Christian Imperiall Lawes framed with more Equity. The opinion of Hugo Grotius, and Paulus Fagius. And the purpose in generall of this Discourse.

MAny men, whether it be their fate, or fond opinion, easily perswade themselves, if God would but be pleas'd a while to withdraw his just punishments from us, and to restrain what power either the devill, or any earthly enemy hath to work us woe, that then mans nature would find immediate ease and releasement from all evils. But verily they who think so, if they be such as have a mind large enough to take into their thoughts a generall survey of humane things, would soon prove themselves in that opinion farre deceiv'd. For though it were granted us by divine indulgence

to be exempt from all that can be harmfull to us from without, yet the perversnesse of our folly is so bent, that we should never lin hammering out of our owne hearts, as it were out of a flint, the seeds and sparkles of new misery to our selves, till all were in a blaze againe. And no marvell if out of our own hearts, for they are evill; but even out of those things which God meant us, either for a principall good, or a pure contentment; we are still hatching and contriving upon our selves matter of continuall sorrow and perplexitie. What greater good to man then that revealed rule, whereby God vouchsates to shew us how he would be worshipt? And yet that not rightly understood, became the cause that once a famous man in *Israel* could not but oblige his conscience to be the sacrificer, or if not, tha jaylor of his innocent and onely daughter. And was the cause ofttimes that Armies of valiant men have given up their throats to a heathenish enemy on the Sabbath day: fondly thinking their defensive resistance to be as then a thing unlawfull. What thing more instituted to the solace and delight of man then marriage? and yet the mis-interpreting of some Scripture directed mainly against the abusers of the Law for divorce giv'n by *Moses*, hath chang'd the blessing of matrimony not seldome into a familiar and co-inhabiting mischiefe; at least into a drooping and disconsolate houshold captivity, without refuge or redemption. So ungovern'd and so wild a race doth superstition run us from one extreame of abused liberty into the other of unmercifull restraint. For although God in the first ordaining of mariage, taught us to what end he did it, in words expresly implying the apt and cheerfull conversation of man with woman, to comfort and refresh him of the evill and solitary life, not mentioning the purpose of generation till afterwards, as being but a secondary end in dignity, though not in necessity, yet now, if any two be but once handed in the Church, and have tasted in any sort the nuptiall bed, let them find themselves never so unlink'n in their dispositions through any error, concealment, or misadventure, that through their different tempers, thoughts, and constitutions, they can neither be to one another a remedy against lonelines, nor live in any union or contentment all their dayes, [illegible] shall, so they be but found suitably weapon'd to the least possibility of sensuall injoyment, be made, spight of *antipathy* to fadge together, and combine as they may to their unspeakable wearisomnes and despaire of all sociable delight in the ordinance which God establisht to that very end. What a calamity is this, and as the wise-man, if he

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were alive, would ſigh out in his owne Phraſe, what a *ſore evill is this under the Sunne*! All which we can referre juſtly to no other author then the Canon Law and her adherents, not conſulting with chariſie, the interpreter and guide of our faith, but reſting in the meere element of the Text; doubtles by the policy of the devill to make that gracious ordinance become unſupportable, that what with men not ſtating to venture upon wedlock, and what with men wearied out of it, all inordinate licence might abound. It was for many ages that mariage lay in diſgrace with moſt of the ancient Doctors, as a work of the fleſh, almoſt a defilement, wholly deny'd to Prieſts, and the ſecond time diſſwaded to all, as he that reads *Tertullian* or *Ierom* may ſee at large. Afterwards it was brought ſo Sacramentall, that no adultery or deſertion could diſſolve it; and this is the ſence of our Canon Courts in *England* to this day, but in no other reformed Church els: yet there remains in them alſo a burden on it as heavie as the other two were diſgracefull or Superſtitious, and of as much iniquity, croſſing a Law not onely writt'n by *Moſes*, but character'd in us by nature, of more antiquity and deeper ground then mariage it ſelfe; which Law is to force nothing againſt the faultles proprieties of nature: yet that this may be colourably done, our Saviours words touching divorce, are as it were congeal'd into a ſtony rigor, inconſiſtent both with his Doctrine and his office, and that which he preacht onely to the conſcience, is by Canonicall tyranny ſnatcht into the compulſive cenſure of a judiciall Court, where Laws are impos'd even againſt the venerable and ſecret power of natures impreſſion, to love what ever cauſe be found to loath. Which is a hainous barbariſme both againſt the honour of mariage, the dignity of man and his ſoule, the goodnes of Chriſtiamitie, and all the humane reſpects of civilitie. Notwithſtanding that ſome the wiſeſt and graveſt among the Chriſtian Emperours, who had about them, to conſult with, thoſe of the Fathers then living, who for their learning and holines of life are ſtill with us in great renowne, have made their ſtatutes and edicts concerning this debate farre more eaſie and relenting in many neceſſary caſes, wherein the Canon is inflexible. And *Hugo Grotius*, a man of theſe times, one of the beſt learned, ſeems not obſcurely to adhere in his perſwaſion to the equity of thoſe Imperiall decrees, in his notes upon the *Evangeliſts*, much allaying the outward roughneſſe of the Text, which hath for the moſt part been too immoderately expounded; and excites the diligence of others to inquire further into this queſtion, as contai-

ning many points that have not yet been explain'd. Which ever likely to remain intricate and hopelesse upon the suppositions commonly stuck to the autority of *Paulus Fagius*, one so learned and so eminent in *England* once, if it might perswade, would strait acquaint us with a solution of these differences, no lesse prudent then compendious. He in his comment on the *Pentateuch* doubted not to maintain that divorces might bee as lawfully permitted by the Magistrate to Christians, as they were to the Jewes. But because he is but briefe, and these things of great consequence not to be kept obscure, I shall conceave it nothing above my duty either for the difficulty or the censure that may passe thereon, to communicate such thoughts as I also have had, and do offer them now in this generall labour of reformation, to the candid view both of Church and Magistrate; especially because I see it the hope of good men, that those irregular and unspirituall Courts have spun their utmost date in this Land; and some better course must now be constituted. This therefore shall be the task and period of this discourse to prove, first that other reasons of divorce besides adultery, were by the Law of *Moses*, and are yet to be allow'd by the Christian Magistrate as a peece of justice, and that the words of Christ are not hereby contraried. Next, that to prohibit absolutely any divorce whatsoever except those which *Moses* excepted, is against the reason of Law, as in due place I shall shew out of *Fagius* with many additions. He therefore who by adventuring, shall be so happy as with successe to light the way of such an expedient liberty and truth as this, shall restore the much wrong'd and over-sorrow'd state of matrimony, not onely to those mercifull and life-giving remedies of *Moses*, but, as much as may be, to that serene and blisfull condition it was in at the beginning; and shall deserve of all apprehensive men (considering the troubles and distempers which for want of this insight have bin so oft in Kingdomes, in States and Families) shall deserve to be reckon'd among the publick benefactors of civill and humane life; above the inventors of wine and oyle; for this is a far dearer, far nobler, and more desireable cherishing to mans life, unworthily expos'd to sadnes and mistake, which he shall vindicate. Nor that licence and levety and unconsented breach of faith should herein be countenanc't, but that some conscionable and tender pitty might be had of those who have unwarily in a thing they never practiz'd before, made themselves the bondmen of a luckless and helpless matrimony. In which Argument he whose courage can serve him to give the first on-set, must look

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for two ſeverall oppoſitions: the one from them who have ſworn themſelves to long cuſtome and the letter of the Text, will not out of the road: the other from thoſe whoſe groſſe and vulgar apprehenſions conceit but low of matrimoniall purpoſes, and in the work of male and female thinke they have all. Nevertheleſſe, it ſhall be here ſought by dus wayes to be made appeare, that thoſe words of God in the inſtitution, promiſing a meet help againſt lonelines; and thoſe words of Chriſt, *That his yoke is eaſie and his burden light*, were not ſpoken in vain; for if the knot of mariage may in no caſe be diſſolv'd but for adultery, all the burd'ns and ſervices of the Law are not ſo intolerable. This onely is deſir'd of them who are minded to judge hardly of thus maintaining, that they would be ſtill and heare all out, nor thinke it equall to anſwer deliberate reaſon with ſudden heat and noiſe; remembring this, that many truths now of reverend eſteeme and credit, had their birth and beginning once from ſingular and private thoughts; while the moſt of men were otherwiſe poſſeſt; and had the fate at firſt to be generally exploded and exclaim'd on by many violent oppoſers; yet I may erre perhaps in ſoothing my ſelfe that this preſent truth reviv'd, will deſerve on all hands to be not ſiniſterly receiv'd, in that it undertakes the cure of an inveterate diſeaſe crept into the beſt part of humane ſocietie: and to doe this with no ſmarting corroſive, but with a ſmooth and pleaſing leſſon, which receiv'd hath the vertue to ſoften and diſpell rooted and knotty ſorrowes: and without inchantment if that be fear'd, or ſpell us'd, hath regard at once both to ſerious pitty, and upright honeſty; that tends to the redeeming and reſtoring of none but ſuch as are the object of compaſſion, having in an ill houre hamper'd themſelves to the utter diſpatch of all their moſt beloved comforts and repoſe for this lives term. But if we ſhall obſtinately diſlike this new overture of unexpected eaſe and recovery, what remains but to deplore the frowardnes of our hopeles condition, which neither can endure the eſtate we are in, nor admit of remedy either ſharp or ſweet. Sharp we our ſelves diſtaſt; and ſweet, under whoſe hands we are, is ſcrupl'd and ſuſpected as too luſhious. In ſuch a poſture Chriſt found the *Iewes*, who were neither won with the auſterity of *Iohn the Baptiſt*, and thought it too much licence to follow freely the charming pipe of him who ſounded and proclaim'd liberty and reliefe to all diſtreſſes: yet Truth in ſome age or other will find her witnes, and ſhall be juſtify'd at laſt by her own children.

CHAP. I.

The position. Prov'd by the Law of Moses. That Law expounded and asserted to a morall and charitable use; first by Paulus Fagius, *next with other additions.*

TO remove therefore if it be possible, this great and sad oppression which through the strictnes of a literall interpreting hath invaded and disturb'd the dearest and most peaceable estate of household society, to the over-burdening, if not the over-whelming of many Christians better worth then to be so deserted of the Churches considerate care, this position shall be laid down, first proving, then answering what may be objected either from Scripture or light of reason.

That indisposition, unfitnes, or contrariety of mind, arising from a cause in nature unchangeable, hindring and ever likely to hinder the main benefits of conjugall society, which are solace and peace, is a greater reason of divorce then naturall frigidity, especially if there be no children, and that there be mutuall consent.

This I gather from the Law in Deut. 24. 1. *When a man hath tak'n a wife & married her, & it come to passe that she find no favour in his eyes, because he hath found some uncleanesse in her, let him write her a bill of divorcement, and give it in her hand, & send her out of his house, &c.* This Law, if the words of Christ may be admitted into our beleef, shall never while the world stands, for him be abrogated. First therefore I here set down what learned *Fagius* hath observ'd on this Law; *The Law of God*, saith he *permited divorce for the help of human weaknes. For every one that of necessity seperats, cannot live single. That Christ deny'd divorce to his own, hinders not: for what is that to the unregenerate, who hath not attain'd such perfection? Let not the remedy be despis'd which was giv'n to weaknes. And when Christ saith, who marries the divorc't commits adultery, it is to be understood if he had any plot in the divorce.* The rest I reserve untill it be disputed, how the Magistrate is to doe herein. From hence we may plainly discern a twofold consideration in this Law. First the end of the Lawgiver, and the proper act of the Law to command or to allow something just and honest, or indifferent. Secondly, his sufferance from some accidental result of evill by this allowance, which the Law cannot remedy. For if this Law have no other end or act but onely the allowance of a sin, though never to so good intention, that Law is no Law but sin muffl'd in the robe of Law, or Law disguis'd in the loose garment of sin. Both which are

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too foule *Hypotheses* to save the *Phænomenon* of our Saviours answer to the Pharises about this matter. And I trust anon by the help of an infallible guide to perfect such *Prutenick* tables as shall mend the *Astronomy* of our wide expositors.

The cause of divorce mention'd in the Law is translated *some uncleannesse*, but in the Hebrew it sounds *nakednes of ought, or any reall nakednes*: which by all the learned interpreters is refer'd to the mind, as well as to the body. And what greater nakednes or unfitnes of mind then that which hinders ever the solace and peacefull society of the married couple, and what hinders that more then the unfitnes and defectivenes of an unconjugall mind. The cause therefore of divorce expres't in the position cannot but agree with that describ'd in the best and equallest sence of *Moses* Law. Which being a matter of pure charity, is plainly morall, and more now in force then ever: therefore surely lawfull. For if under the Law such was Gods gracious indulgence, as not to suffer the ordinance of his goodnesse and favour, through any error to be ser'd and stigmatiz'd upon his servants to their misery and thraldome, much lesse will he suffer it now under the covenant of grace, by abrogating his former grant of remedy and relief. But the first institution will be objected to have ordein'd marriage unseperable. To that a little patience untill this first part have amply discours'd the grave and pious reasons of this divorcive Law; and then I doubt not but with one gentle stroking to wipe away ten thousand teares out of the life of man. Yet thus much I shall now insist on, that what ever the institution were, it could not be so enormous, nor so rebellious against both nature and reason as to exalt it selfe above the end and person for whom it was instituted.

CHAP. II.

The first reason of this Law grounded on the prime reason of matrimony. That no covenant whatsoever obliges against the main end both of it self and of the parties covenanting.

FOr all sence and equity reclaims that any Law or Cov'nant how solemne or strait soever, either between God and man, or man and man, though of Gods joyning, should bind against a prime and principall scope of its own institution, and of both or either party, co-

cov'nanting: neither can it be of force to ingage a blameleſs creature to his owne perpetuall ſorrow, miſtak'n for his expected ſolace, without ſuffering charity to ſtep in and doe a conſeſt good work of parting thoſe whom nothing holds together, but this of Gods joyning, falſly ſuppos'd againſt the expreſſe end of his own ordinance. And what his chiefe end was of creating woman to be joyn'd with man, his own inſtituting words declare, and are infallible to informe us what is marriage and what is no marriage: unleſſe we can think them ſet there to no purpoſe: *It is not good*, ſaith he, *that man ſhould be alone; I will make him a help meet for him.* From which words ſo plain, leſſe cannot be concluded, nor is by any learned Interpreter, then that in Gods intention a meet and happy converſation is the chiefeſt and the nobleſt end of marriage: for we find here no expreſſion ſo neceſſarily implying carnall knowledge, as this prevention of lonelineſs to the mind and ſpirit of man. To this, *Fagius*, *Calvin*, *Parens*, *Rivetus*, as willingly and largely aſſent as can be wiſht. And indeed it is a greater bleſſing from God, more worthy ſo excellent a creature as man is, and a higher end to honour and ſanctifie the league of marriage, when as the ſolace and ſatisfaction of the mind is regarded and provided for before the ſenſitive pleaſing of the body. And with all generous perſons maried thus it is; that where the mind and perſon pleaſes aptly, there ſome unaccompliſhment of the bodies delight may be better born with, then when the mind hangs off in an uncloſing diſproportion, though the body be as it ought; for there all corporall delight will ſoone become unſavoury and contemptible. And the ſolitarines of man, which God had namely and principally order'd to prevent by mariage, hath no remedy, but lies under a worſe condition then the loneliеſt ſingle life; for in ſingle life the abſence and remotenes of a helper might inure him to expect his own comforts out of himſelfe or to ſeeke with hope; but here the continuall ſight of his deluded thoughts without cure, muſt needs be to him, if eſpecially his complexion incline him to melancholy, a dayly trouble and paine of loſſe in ſome degree like that which Reprobats feele. Leſt therefore ſo noble a creature as man ſhould be ſhut up incurably under a worſe evill by an eaſie miſtake in that ordinance which God gave him to remedy a leſſe evill, reaping to himſelfe ſorrow while he went to rid away ſolitarineſs, it cannot avoid to be concluded, that if the woman be naturally ſo of diſpoſition, as will not help to remove, but help to increaſe that ſame God forbidd'n lonelines which will in time draw on with it a generall

nerall diſcomfort and dejection of mind, not beſeeming either Chriſtian profeſſion or morall converſation, unprofitable and dangerous to the Common-wealth, when the houſhold eſtate, out of which muſt flouriſh forth the vigor and ſpirit of all publicke enterprizes, is ſo ill contented and procur'd at home, and cannot be ſupported; ſuch a mariage can be no mariage whereto the moſt honeſt end is wanting: and the agrieved perſon ſhall doe more manly, to be extraordinary and ſingular in claimyng the due right whereof he is fruſtrated, then to piece up his loſt contentment by viſiting the Stews, or ſtepping to his neighbours bed, which is the common ſhift in this miſ-fortune; or els by ſuffering his uſefull life to waſt away, and be loſt under a ſecret affliction of an unconſcionable ſize to humane ſtrength. Againſt all which evills the mercy of this Moſaick Law was graciouſly exhibited.

CHAP. III.

The ignorance and iniquity of Canon Law, providing for the right of the body in mariage, but nothing for the wrongs & greevances of the mind. An objection, that the mind ſhould be better looke to before contract, anſwerd.

HOw vaine therefore is it, and how prepoſterous in the Canon Law to have made ſuch carefull proviſion againſt the impediment of carnall performance, and to have had no care about the unconverſing inability of mind, ſo defective to the pureſt and moſt ſacred end of matrimony: and that the veſſell of voluptuous enjoyment muſt be made good on him that has taken it upon truſt without any caution, when as the mind from whence muſt flow the acts of peace and love, a farre more pretious mixture then the quinteſſence of an excrement, though it be found never ſo deficient and unable to performe the beſt duty of marriage in a cheerfull and agreeable converſation, ſhall be thought good enough, however flat and melancholious it be, and muſt ſerve, though to the eternall diſturbance and languiſhing of him that complains him. Yet wiſdome and charity waighing Gods owne inſtitution, would thinke that the pining of a ſad ſpirit wedded to lonelines ſhould deſerve to be free'd, aſwell as the impatience of a ſenſuall deſire ſo providently reliev'd. Tis read to us in the Liturgy, that *we muſt not marry to ſatisfie the fleſhly appetite, like brute beaſts that have no underſtanding*; but

the Canon ſo runs, as if it dreamt of no other matter then ſuch an appetite to be ſatisfy'd; for if it happen that nature hath ſtopt or extinguiſht the veins of ſenſuality, that mariage was annull'd. But though all the faculties of the underſtanding and converſing part after triall appeare to be ſo ill and ſo averſly met through natures unalterable working, as that neither peace, nor any ſociable contentment can follow, 'tis as nothing, the contract ſhall ſtand as firme as ever, betide what will. What is this but ſecretly to inſtruct us, that however many grave reaſons are pretended to the maried life, yet that nothing indeed is thought worth regard therein, but the preſcrib'd ſatisfaction of an irrationall heat; which cannot be but ignominious to the ſtate of mariage, diſhonourable to the undervalu'd ſoule of man, and even to Chriſtian Doctrine it ſelfe. While it ſeems more mov'd at the diſappointing of an impetuous nerve, then at the ingenuous grievance of a mind unreaſonably yoakt; and to place more of mariage in the channell of concupiſcence, then in the pure influence of peace and love, whereof the ſoules lawfull contentment is the one onely fountain.

But ſome are ready to object, that the diſpoſition ought ſeriouſly to be conſider'd before. But let them know againe, that for all the warineſſe can be us'd, it may yet befall a diſcreet man to be miſtak'n in his choice, and we have plenty of examples. The ſobreſt and beſt govern'd men are leaſt practiz'd in theſe affairs; and who knowes not that the baſhfull mureneſs of a virgin may oft-times hide all the unlivelyneſs and naturall ſloth which is really unfit for converſation; nor is there that freedom of acceſſe granted or preſum'd, as may ſuffice to a perfect diſcerning till too late: and where any diſpoſition is ſuſpected, what more uſuall then the perſwaſion of friends, that acquaintance, as it increaſes, will amend all. And laſtly, it is not ſtrange though many who have ſpent their youth chaſtly, are in ſome things not ſo quick-ſighted, while they haſt ſo eagerly to light the nuptiall torch; nor is it therefore that for a modeſt error a man ſhould forfeit ſo great a happineſſe, and no charritable means to releaſe him. Since they who have liv'd moſt looſely by reaſon of their bold accuſtoming, prove moſt ſucceſſull in their matches, becauſe their wild affections unſetling at will, have been as ſo many divorces to teach them experience. When as the ſober man honouring the appearance of modeſty, and hoping well of every ſociall vertue under the veile, may eaſily chance to meet, if not with a body impenetrable, yet often with a mind to all other due converſation

ſation inacceſſible, and to all the more eſtimable and ſuperior purpoſes of matrimony uſeleſſe and almoſt liveleſſe: and what a ſolace, what a fit helpe ſuch a conſort would be through the whole life of a man, is leſſe pain to conjecture then to have experience.

CHAP. IIII.

The Second Reaſon of this Law, becauſe without it, mariage as it happ'n oft is not a remedy of that which it promiſes, as any rationall creature would expect. That mariage, if we pattern from the beginning as our Saviour bids, was not properly the remedy of luſt, but the fulfilling of conjugall love and helpfulneſs.

AND that we may further ſee what a violent cruell thing it is to force the continuing of thoſe together, whom God and nature in the gentleſt end of mariage never joyn'd, divers evils and extremities that follow upon ſuch a compulſion, ſhall here be ſet in view. Of evils the firſt and greateſt is, that hereby a moſt abſurd and raſh imputation is fixt upon God and his holy Laws, of conniving and diſpenſing with open and common adultery among his choſen people; a thing which the rankeſt politician would thinke it ſhame and diſworſhip, that his Laws ſhould countenance; how and in what manner this comes to paſſe, I ſhall reſerve, till the courſe of method brings on the unfolding of many Scriptures. Next the Law and Goſpell are hereby made liable to more then one contradiction, which I referre alſo thither. Laſtly, the ſupreme dictate of charitie is hereby many wayes neglected and violated. Which I ſhall forthwith addreſſe to prove. Firſt we know St. *Paul* ſaith, *It is better to marry then to burn.* Mariage therefore was giv'n as a remedy of that trouble: but what might this burning meane? Certainly not the meere motion of carnall luſt, not the meer goad of a ſenſitive deſire; God does not prineipally take care for ſuch cattell. What is it then but that deſire which God put into *Adam* in Paradiſe before he knew the ſin of incontinence; that deſire which God ſaw it was not good that man ſhould be left alone to burne in; the deſire and longing to put off an unkindly ſolitarineſs by uniting another body, but not without a fit ſoule to his in the cheerfull ſociety of wedlock. Which if it were ſo needfull before the fall, when man was much more perfect in himſelfe, how much more is it needfull now

againſt all the ſorrows and caſualties of this life to have an intimate and ſpeaking helpe, a ready and reviving aſſociate in marriage: whereof who miſſes by chancing on a mute and ſpiritleſſe mate, remaines more alone then before, and in a burning leſſe to be contain'd then that which is fleſhly and more to be conſider'd; as being more deeply rooted even in the faultles innocence of nature. As for that other burning, which is but as it were the venom of a luſty and overabounding concoction, ſtrict life and labour, with the abatement of a full diet may keep that low and obedient enough: but this pure and more inbred deſire of joying to it ſelfe in conjugall fellowſhip a fit converſing ſoule (which deſire is properly call'd love) *is ſtronger then death*, as the ſpouſe of Chriſt thought, *many waters cannot quench it, neithe can the floods drown it.* This is that rationall burning that mariage is to remedy, not to be allay'd with faſting, nor with any penance to be ſubdu'd, which how can he aſſwage who by miſ-hap hath met the moſt unmeeteſt and unſuitable mind? Who hath the power to ſtrugg'e with an intelligible flame, not in paradice to be reſiſted, become now more ardent by being fail'd of what in reaſon it lookt for; and even then moſt unquencht, when the importunity of a provender burning is well anough appeas'd; and yet the ſoul hath obtained nothing of what it juſtly deſires. Certainly ſuch a one forbidd'n to divorce, is in effect forbidd'n to marry, and compell'd to greater difficulties then in a ſingle life; for if there be not a more humane burning which mariage muſt ſatisfie, or els may be diſſolv'd, then that of copulation, mariage cannot be honourable for the meer reducing and terminating luſt between two: ſeeing many beaſts in voluntary and choſen couples, live together as unadulterouſly, and are as truly maried in that reſpect. But all ingenious men will ſee that the dignity and bleſſing of mariage is plac't rather in the mutuall enjoyment of that which the wanting ſoul needfully ſeeks, then of that which the plenteous body would joyfully give away. Hence it is that *Plato* in his feſtival diſcourſe brings in *Socrates* relating what he fain'd to have learnt from the Propheteſſe *Diotima*, how *Love* was the ſonne of *Penury*, begot of *Plenty* in the garden of *Iupiter*. Which divinely ſorts with that which in effect *Moſes* tells us, that *Love* was the ſon of *Lonelines*, begot in Paradice by that ſociable and helpfull aptitude which God implanted between man and woman toward each other. The ſame alſo is that burning mention'd by S. *Paul*, whereof mariage ought to be the remedy; the Fleſh hath other mutuall and eaſie curbs which are in the power of any tempe-

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rate man. When therefore this originall and ſinles *Penury* or *Lonelines* of the ſoule cannot lay it ſelfe downe by the ſide of ſuch a meet and acceptable union as God ordain'd in marriage, at leaſt in ſome proportion, it cannot conceive and bring forth *Love*, but remains utterly unmarried under a formall wedlock and ſtill burnes in the proper meaning of S. *Paul*. Then enters *Hate*, not that Hate that ſins, but that which onely is naturall diſſatisfaction and the turning aſide from a miſtaken object: if that miſtake have done injury, it fails not to diſmiſſe with recompence; for to retain ſtill, and not be able to love, is to heap up more injury. Thence this wiſe and pious Law of diſmiſſion now defended tooke beginning: He therefore who lacking of his due in the moſt native and humane end of marriage, thinks it better to part then to live ſadly and injuriouſly to that cheereſull cov'nant (for not to be belov'd and yet retain'd is the greateſt injury to a gentle ſpirit) he I ſay who therefore ſeeks to part, is one who highly honours the married life and would not ſtayn it: and the reaſons which now move him to divorce, are equall to the beſt of thoſe that could firſt warrant him to marry; for, as was plainly ſhewn, both the hate which now diverts him and the lonelineſſe which leads him ſtill powerfully to ſeeke a fit helpe, hath not the leaſt grain of a ſin in it, if he be worthy to underſtand himſelfe.

CHAP. V.

The third reaſon of this Law, becauſe without it, he who has happn'd where he finds nothing but remediles offences and diſcontents, is in more and greater temptations then ever before.

THirdly, Yet it is next to be fear'd, if he muſt be ſtill bound without reaſon by a deafe rigor, that when he perceives the juſt expectance of his mind defeated, he will begin even againſt Law to caſt about where he may find his ſatisfaction more compleat, unleſſe he be a thing heroycally vertuous, and that are not the common lump of men for whom chiefly the Laws ought to be made, though not to their ſins yet to their unſinning weakneſſes, it being above their ſtrength to endure the lonely eſtate, which while they ſhun'd, they are fall'n into. And yet there follows upon this a worſe temptation; for if he be ſuch as hath ſpent his youth unblamably and layd up his chieſeſt earthly comforts in the enjoyment of a contented marriage, nor did neglect that furderance which was to be obtain'd therein by conſtant prayers, when he ſhall find himſelfe bound faſt to

an uncomplying discord of nature, or, as it oft happens, to an image of earth and fleame, with whom he lookt to be the copartner of a sweet and gladsome society and sees withall that his bondage is now inevitable, though he be almost the strongest Christian, he will be ready to dispaire in vertue, and mutin against divine providence: and this doubtles is the reason of those lapses and that melancholly despaire which we see in many wedded persons, though they understand it not, or pretend other causes, because they know no remedy, and is of extreame danger; therefore when human frailty surcharg'd, is at such a losse, charity ought to venture much, and use bold physick, lest an over-toft faith indanger to shipwrack.

CHAP. VI.

The Fourth Reason of this Law, that God regards Love and Peace in the family, more then a compulsive performance of mariage, which is more broke by a grievous continuance, then by a needfull divorce.

FOurthly, Mariage is a cov'nant the very beeing whereof consists, not in a forc't cohabitation, and counterfet performance of duties, but in unfained love and peace. And of matrimoniall love no doubt but that was chiefly meant, which by the ancient Sages was thus parabl'd, That Love, if he be not twin-born, yet hath a brother wondrous like him, call'd *Anteros*: whom while he seeks all about, his chance is to meet with many fals and fayning Desires that wander singly up and down in her likenes. By them in their borrow'd garb, Love though not wholly blind, as Poets wrong him, yet having but one eye, as being born an Archer aiming, and that eye not the quickest in this dark region here below, which is not Loves proper sphere, partly out of the simplicity, and credulity which is native to him, often deceiv'd, imbraces and consorts him with these obvious and suborned striplings, as if they were his Mothers own Sons, for so he thinks them, while they suttly keepe themselves most on his blind side. But after a while, as his manner is, when soaring up into the high Tower of his *Apogæum*, above the shadow of the earth, he darts out the direct rayes of his then most piercing eyesight upon the impostures, and trim disguises that were us'd with him, and discerns that this is not his genuin brother, as he imagin'd, he has no longer the power to hold fellowship with such a personall mate. For strait his arrows loose their golden heads, and shed their purple feathers, his silk'n breades untwine, and slip their knots, and that originall and fiery vertue giv'n him by Fate, all on a sudden goes out and leaves him undei-

undeifi'd and deſpoil'd of all his force: till finding *Anteros* at laſt, he kindles and repairs the almoſt faded ammunition of his Deity by the reflection of a coequal & *homogeneal* fire. Thus mine author ſung it to me; and by the leave of thoſe who would be counted the only grave ones; this is no meer amatorious novel (though to be wiſe and skilful in theſe matters, men heretofore of greateſt name in vertue, have eſteemed it one of the higheſt arts that human contemplation circling upwards, can make from the globy ſea whereon ſhe ſtands) but this is a deep and ſerious verity, ſhewing us that Love in mariage cannot live nor ſubſiſt unleſſe in be mutual; and where love cannot be, there can be left of wedlock nothing, but the empty huſk of an outſide matrimony; as undelightfull and unpleaſing to God, as any other kind of hypocriſie. So farre is his command from tying men to the obſervance of duties which there is no help for, but they muſt be diſſembl'd. If *Salomons* advice be not overfrolick, *Love joyfully*, ſaith he, *with the wife whom thou loveſt, all thy dayes, for that is thy portion.* How then, where we finde it impoſſible to rejoyce or to love, can we obey this precept? how miſerably do we defraud our ſelves of that comfortable portion which God gives us, by ſtriving vainly to glue an error together which God and nature will not joyn; adding but more vexation and violence to that bliſfull ſociety by our importunate ſuperſtition, that will not hearken to St. *Paul*, 1 *Cor.* 7. who ſpeaking of mariage and divorce, determines plain enough in generall, that God therein *hath call'd us to peace* and not *to bondage.* Yea God himſelf commands in his Law more then once, and by his Prophet *Malachy*, as *Calvin* and the beſt tranſlations read, that *he who hates let him divorce*; that is he who cannot love: hence is it that the Rabbins and *Maimonides* famous among the reſt in a Book of his ſet forth by *Buxtorfius*, tells us, that *Divorce was permitted by* Moſes *to preſerve peace in mariage, and quiet in the family.* Surely the Jews had their ſaving peace about them, aſwell as we, yet care was tak'n that this wholſom proviſion for houſhould peace ſhould alſo be allow'd them; and muſt this be deny'd to Chriſtians? O perverſnes! that the Law ſhould be made more provident of peace-making then the Goſpell! that the Goſpel ſhould be put to beg a moſt neceſſary help of mercy from the Law, but muſt not have it: and that to grind in the mill of an undelighted and ſervil copulation, muſt be the only forc't work of a Chriſtian mariage, oft times with ſuch a yokefellow, from whom both love and peace, both nature and Relig on mourns to be ſeparated. I cannot therefore be ſo diffident, as not ſecurely to conclude,

that

that he who can receive nothing of the most important helps in mariage, being thereby disinabl'd to returne that duty which is his, with a cleare and hearty countenance; and thus continues to grieve whom he would not, and is no lesse griev'd, that man ought even for loves sake and peace to move Divorce upon good and liberall conditions to the divorc't. And it is alesse breach of wedlock to part with wise and quiet consent betimes, then still to soile and profane that mystery of joy and union with a polluting sadnesse and perpetuall distemper; for it is not the outward continuing of mariage that keepes whole that cov'nant, but whosoever does most according to peace and love, whether in mariage, or in divorce, he it is that breaks mariage least; it being so often written, that *Love onely is the fullfilling of every Commandement.*

CHAP. VII.

The Fift Reason, that nothing more hinders and disturbs the whole life of a Christian, then a matrimony found to be uncurably unfit, and doth the same in effect that an Idolatrous match.

FIfthly, as those Priests of old were not to be long in sorrow, or if they were, they could not rightly execute their function; so every true Christian in a higher order of Priesthood is a person dedicate to joy and peace, offering himselfe a lively sacrifice of praise and thanksgiving, and there is no Christian duty that is not to be season'd and set off with cheerefulnesse; which is a thousand outward and intermitting crosses may yet be done well, as in this vale of teares; but in such a bosome affliction as this, crushing the very foundation of his inmost nature when he shall be forc't to love against a possibility, and to use a dissimulation against his soule in the perpetuall and ceaselesse duties of a husband doubtlesse his whole duty of serving God must needs be blurr'd and tainted with a sad unpreparednesse and dejection of spirit, wherein God has no delight. Who sees not therfore how much more Christianity it would be to breake by divorce that which is more broken by undue and forcible keeping, rather then *to cover the Altar of the Lord with continuall teares, so that he regardeth not the offering any more*, rather then that the whole worship of a Christian mans life should languish and fade away beneeth the weight of an immesurable griefe and discouragement. And because some think the childr'n of a second matrimony succeeding a divorce would not be a holy seed it hinder'd not the Jews from being so, and why should we not thinke them more holy then the off-spring

of

of a former ill-twiſted wedlock, begott'n only out of a beſtiall neceſſitie without any true love or contentment, or joy to their parents, ſo that in ſome ſenſe we may call them the *children of wrath* and anguiſh, which will as little conduce to their ſanctifying, as if they had been baſtards; for nothing more then diſturbance of mind ſuſpends us from approaching to God. Such a diſturbance eſpecially as both aſſaults our faith and truſt in Gods providence, and ends, if there be not a miracle of vertue on either ſide, not onely in bitternes & wrath, the canker of devotion, but in a deſperate and vitious careleſneſſe; when he ſees himſelf without fault of his, train'd by a deceitfull bait into a ſnare of miſery, betrai'd by an alluring ordinance, and then made the thrall of heavines and diſcomfort by an undivorcing Law of God, as he erroneouſly thinks, but of mans iniquitie, as the truth is; for that God preferres the free and cheerfull worſhip of a Chriſtian, before the grievous and exacted obſervance of an unhappy marriage, beſides that the generall maximes of Religion aſſure us, will be more manifeſt by drawing a parallell argument from the ground of divorcing an Idolatreſſe, which was, leſt he ſhould alienate his heart from the true worſhip of God: and what difference is there whether ſhe pervert him to ſuperſtition by her inticing ſorcery, or diſinable him in the whole ſervice of God through the diſturbance of her unhelpfull and unfit ſociety; and ſo drive him at laſt through murmuring and deſpair to thoughts of Atheiſme; neither doth it leſſen the cauſe of ſeparating in that the one willingly alluces him from the faith, the other perhaps unwillingly drives him; for in the account of God it comes all to one that the wife looſes him a ſervant, and therfore by all the united force of the *Decalogue* ſhe ought to be disbanded, unleſſe we muſt ſet marriage above God and charity, which is a doctrine of divels no leſſe then forbidding to marry.

CHAP. VIII.

That an idolatrous Heretick ought to be divorc't after a convenient ſpace giv'n to hope of converſion. That place of Corinth. 7. reſtor'd from a twofold erroneous expoſition, and that the common expoſitors flatly contradict the morall Law.

AND here by the way to illuſtrate the whole queſtion of divorce, ere this treatiſe end, I ſhall not be loath to ſpend a few lines in hope to give a full reſolve of that which is yet ſo much controverted, whether an idolatrous heretick ought to be divorc't. To the reſolving

solving whereof we must first know that the *Jews* were commanded to divorce an unbeleeving Gentile for two causes: first, because all other Nations, especially the *Canaanites* were to them unclean. Secondly, to avoid seducement. That other Nations were to the *Jews* impure, even to the separating of marriage, will appear out of *Exod.* 34. 16. *Deut.* 7. 3. 6. compar'd with *Ezra* 9. 2. also Chap. 10. 10, 11. *Nehem.* 13. 30. This was the ground of that doubt rais'd among the *Corinthians* by some of the Circumcision; Whether an unbeleever were not still to be counted an unclean thing, so as that they ought to divorce from such a person. This doubt of theirs S. *Paul* removes by an Evangelicall reason, having respect to that vision of S. *Peter*, wherein the distinction of clean and unclean being abolisht, all living creatures were sanctified to a pure and Christian use, and mankind especially, now invited by a generall call to the cov'nant of grace. Therefore saith S. *Paul*, *The unbeleeving wife is sanctify'd by the husband*; that is, made pure and lawfull to his use; so that he need not put her away for fear lest her unbeleef should defile him; but that if he found her love still towards him, he might rather hope to win her. The second reason of that divorce was to avoid seducement, as is prov'd by comparing those places of the Law, to that which *Ezra* and *Nehemiah* did by divine warrant in compelling the *Jews* to forgo their wives. And this reason is moral and perpetuall in the rule of Christian faith without evasion. Therefore saith the Apostle 2 *Cor.* 6. *Mis-yoke not together with infidels*, which is interpreted of marriage in the first place. And although the former legall pollution be now don off, yet there is a spirituall contagion in Idolatry as much to be shun'd; and though seducement were not to be fear'd, yet where there is no hope of converting, there alwayes ought to be a certain religious aversation and abhorring, which can no way sort with marriage. Therefore saith S. *Paul*, *What fellowship hath righteousnesse with unrighteousnesse? what communion hath light with darknes? what concord hath Christ with Belial? what part hath he that beleeveth with an infidel?* And in the next verse but one he moralizes and makes us liable to that command of *Isaiah*, *Wherefore come out from among them, and be ye separate, saith the Lord, touch not the unclean thing, and I will receive ye.* And this command thus Gospell'd to us, hath the same force with that wherein *Ezra* grounded the pious necessity of divorcing. Neither had he other commission for what he did, then such a generall command in *Deut.* as this, nay not so direct as this; for he is bid there not to marry, but not bid to divorce, and

yet

yet we ſee with what a zeal and confidence he was the author of a generall divorce between the faithfull and unfaithfull ſeed. The Goſpel is more plainly on his ſide according to three of the Evangeliſts, then the words of the Law; for where the caſe of divorce is handled with ſuch a ſeverity as was fitteſt to aggravate the fault of unbounded licence; yet ſtill in the ſame chapter when it comes into queſtion afterwards whether any civill reſpect, or naturall relation which is deareſt, may be our plea to divide, or hinder, or but delay our duty to religion, we hear it determin'd that father and mother, and wife alſo is not only to be hated, but forſak'n, if we mean to inherit the great reward there promis'd. Nor will it ſuffice to be put off by ſaying we muſt forſake them only by not conſenting or not complying with them, for that were to be don, and roundly too, though being of the ſame faith they ſhould but ſeek, out of a fleſhly tendernes to weak'n our Chriſtian fortitude with worldly perſwaſions, or but to unſettle our conſtancie with timorous and ſoftning ſuggeſtions: as we may read with what a vehemence *Job* the patienteſt of men, rejected the deſperate counſels of his wife; and *Moſes* the meekeſt being throughly offended with the prophane ſpeeches of *Zippora*, ſent her back to her father. But if they ſhall perpetually at our elbow ſeduce us from the true worſhip of God, or defile and daily ſcandalize our conſcience by their hopeles continuance in misbelief, then ev'n in the due progreſſe of reaſon, and that ever-equall proportion which juſtice proceeds by, it cannot be imagin'd that this cited place, commands leſſe then a totall and finall ſeparation from ſuch an adherent; at leaſt that no force ſhould be us'd to keep them together: while we remember that God commanded *Abraham* to ſend away his irreligious wife and her ſon for the offences which they gave in a pious family. And it may be gueſt that *David* for the like cauſe diſpos'd of *Michael* in ſuch a ſort, as little differ'd from a diſmiſſion. Therfore againſt reiterated ſcandals and ſeducements which never ceaſe, much more can no other remedie or retirement be found but abſolute departure. For what kind of matrimony can that remain to be, what one dutie between ſuch can be perform'd as it ſhould be from the heart, when their thoughts and ſpirits flie aſunder as farre as heaven from hell; eſpecially if the time that hope ſhould ſend forth her expected bloſſoms be paſt in vain. It will eaſily be true that a father or brother may be hated zealouſly, and lov'd civilly or naturally; for thoſe duties may be perform'd at diſtance, and do admit of any long abſence:

but how the peace and perpetuall cohabitation of marriage can be kept, how that benevolent and intimate communion of body can be held with one that must be hated with a most operative hatred, must be forsak'n and yet continually dwelt with and accompanied, he who can distinguish, hath the gift of an affection very odly divided and contriv'd: while others both just and wise, and *Solomon* among the reſt, if they may not hate and forsake as *Moſes* enjoyns, and the Goſpel imports, will find it impoſſible not to love otherwiſe then will ſort with the love of God, whoſe jealouſie brooks no corrivall. And whether is more likely, that Chriſt bidding to forſake wife for religion, meant it by divorce as *Moſes* meant it, whoſe Law grounded on morall reaſon, was both his office and his eſſence to maintain, or that he ſhould bring a new morality into religion, not only new, but contrary to an unchangeable command, and dangerouſly derogating from our love and worſhip of God. As if when *Moſes* had bid divorce abſolutely, and Chriſt had ſaid, hate and forſake, and his Apoſtle had ſaid, no communion with Chriſt and *Belial*, yet that Chriſt after all this could be underſtood to ſay, divorce not, no not for religion, ſeduce, or ſeduce not. What mighty and inviſible Remora is this in matrimony able to demur, and to contemne all the divorſive engines in heaven or earth. Both which may now paſſe away if this be true, for more then many jots or tittles, a whole morall Law is aboliſht. But if we dare beleeve it is not, then in the method of religion, and to ſave the honour and dignity of our faith, we are to retreat, & gather up our ſelves from the obſervance of an inferior and civill ordinance, to the ſtrict maintaining of a general and religious command, which is written, *Thou ſhalt make no covenant with them*, Deut. 7. 2. 3. and that covenant which cannot be lawfully made, we have directions and examples lawfully to diſſolve. Alſo Chron. 2. 19. *Shouldſt thou love them that hate the Lord?* No doubtleſſe: for there is a certain ſcale of duties, there is a certain Hierarchy of upper and lower commands, which for want of ſtudying in right order, all the world is in confuſion.

Upon theſe principles I anſwer, that a right beleever ought to divorce an idolatrous heretick, unleſſe upon better hopes: however that it is in the beleevers choice to divorce or not.

The former part will be manifeſt thus; firſt, an apoſtate idolater whether husband or wife ſeducing was to die by the decree of God, *Deut.* 13. 6. 9. that mariage therfore God himſelf diſ-joyns: for others born idolaters the morall reaſon of their dangerous keeping, and the incom-

incommunicable antagony that is between Chriſt and *Belial*, will be ſufficient to enforce the commandment of thoſe two inſpir'd reformers, *Ezra* and *Nehemiah*, to put an Idolater away as well under the Goſpel.

The latter part, that although there be no ſeducement fear'd, yet if there be no hope giv'n, the divorce is lawful, will appear by this, that idolatrous marriage is ſtill hatefull to God, therfore ſtill it may be divorc't by the patern of that warrant that *Ezra* had; and by the ſame everlaſting reaſon: Neither can any man give an account wherfore, if thoſe whom God joyns, no man may ſeparate, it ſhould not follow, that, whom he joyns not, but hates to joyn, thoſe man ought to ſeparate. But ſaith the Lawyer, that which ought not have been don, once don, avails. I anſwer, this is but a crotchet of the Law, but that brought againſt it, is plain Scripture. As for what Chriſt ſpake concerning divorce, 'tis confeſt by all knowing men, he meant onely between them of the ſame faith. But what ſhall we ſay then to S. *Paul*, who ſeems to bid us not divorce an Infidell willing to ſtay? We may ſafely ſay thus; that wrong collections have been hitherto made out of thoſe words by modern Divines. His drift, as was heard before, is plain: not to command our ſtay in mariage with an Infidell, that had been a flat renouncing of the religious and morall Law; but to inform the *Corinthians* that the body of an unbeleever was not defiling, if his deſire to live in Chriſtian wedlock ſhewd any likelihood that his heart was opening to the faith: and therfore adviſes to forbear departure ſo long, till nothing have been neglected to ſet forward a converſion: this I ſay he adviſes, and that with certain cautions; not commands: If we can take up ſo much credit for him, as to get him beleev'd upon his own word; for what is this els but his counſell in a thing indifferent, *to the reſt ſpeak I, not the Lord*; for though it be true that the Lord never ſpake it, yet from S. *Pauls* mouth we ſhould have took it as a command, had not himſelf forewarnd us, and diſclaim'd; which, notwithſtanding if we ſhall ſtill avouch to be a command, he palpably denying it, this is not to expound S. *Paul*, but to out-face him. Neither doth it follow, but that the Apoſtle may interpoſe his judgement in a caſe of Chriſtian liberty without the guilt of adding to Gods word. How do we know mariage or ſingle life to be of choice, but by ſuch like words as theſe, *I ſpeak this by permiſſion, not of commandment, I have no command of the Lord, yet I give my judgement*. Why ſhall not the like words have leave to ſignifie a freedom in this our preſent

queſtion, though *Beza* deny. Neither is the Scripture hereby leſſe inſpir'd becauſe S. *Paul* confeſſes to have writt'n therein what he had not of command; for we grant that the Spirit of God led him thus to expreſſe himſelf to Chriſtian prudence in a matter which God thought beſt to leave uncommanded. *Beza* therefore muſt be warily read when he taxes S. *Auſtine* of *blaſphemy* for holding that S. *Paul* ſpake heer as of a thing indifferent. But if it muſt be a command, I ſhall yet the more evince it to be a command that we ſhould herein be left free: and that out of the Greek word us'd in the 12. v. which inſtructs us plainly, there muſt be a joynt aſſent and good liking on both ſides; he that will not deprave the Text, muſt thus render it; *If a brother have an unbeleeving wife, and ſhe joyn in conſent to dwell with him* (which cannot utter leſſe to us then a mutuall agreement) let him not put her away for the meer ſurmiſe of Judaicall uncleannes: and the reaſon follows, for the body of an infidell is not polluted, neither to benevolence, nor to procreation. Moreover, this note of mutuall complacencie forbids all offer of ſeducement; which to a perſon of zeal cannot be attempted without great offence: if therefore ſeducement be fear'd, this place hinders not divorce. Another caution was put in this ſuppoſed command, of not bringing the beleever into *bondage* hereby, which doubtles might prove extreme, if Chriſtian liberty and conſcience were left to the humor of a pagan ſtaying at pleaſure to play with, and to vex and wound with a thouſand ſcandals and burdens, above ſtrength to bear: If therfore the conceived hope of gaining a ſoul, come to nothing, then charity commands that the beleever be not wearied out with endleſſe waiting under many grievances ſore to his ſpirit; but that reſpect be had rather to the preſent ſuffering of a true Chriſtian, then the uncertain winning of an obdur'd heretick. The counſell we have from S. *Paul* to hope, cannot countermand the morall and Evangelick charge we have from God to fear ſeducement, to ſeperate from the misbeleever, the unclean, the obdurate. The Apoſtle wiſheth us to hope, but does not ſend us a wooll-gathering after vain hope: he ſaith, *How knoweſt thou, O man, whether thou ſhalt ſave thy wife*, that is, till he try all due means, and ſet ſome reaſonable time to himſelf after which he may give over waſhing an Ethiope, if he will hear the advice of the Goſpel, *Caſt not pearls before ſwine*, ſaith Chriſt himſelf. *Let him be to thee as a heathen. Shake the duſt off thy feet.* If this be not anough, *hate and forſake*, what relation ſoever. And this alſo that follows, muſt appertain to the precept. *Let*

every

every man wherin he is call'd therein abide with God. v.24. that is, ſo walking in his inferior calling of mariage, as not by dangerous ſubjection to that ordinance, to hinder and diſturb the higher calling of his Chriſtianity. Laſt, and never too oft remembred, whether this be a command or an advice, we muſt look that it be ſo underſtood, as not to contradict the leaſt point of morall religion that God hath formerly commanded, otherwiſe what do we but ſet the morall Law and the Goſpel at civill war together: and who then ſhall be able to ſerve thoſe two maſters?

CHAP. IX.

That adultery is not the greateſt breach of matrimony, that there may be other violations as great.

NOw whether Idolatry or Adultery be the greateſt violation of mariage, if any demand, let him thus conſider, that among Chriſtian Writers touching matrimony, there be three chief ends thereof agreed on; Godly ſociety, next civill, and thirdly, that of the mariage-bed. Of theſe the firſt in name to be the higheſt and moſt excellent, no baptiz'd man can deny; nor that Idolatry ſmites directly againſt this prime end, nor that ſuch as the violated end is, ſuch is the violation: but he who affirms adultery to be the higheſt breach, affirms the bed to be the higheſt of mariage, which is in truth a groſſe and boriſh opinion, how common ſoever; as far from the countenance of Scripture, as from the light of all clean philoſophy, or civill nature. And out of queſtion the cheerfull help that may be in mariage toward ſanctity of life, is the pureſt, and ſo the nobleſt end of that contract: but if the particular of each perſon be conſider'd, then of thoſe three ends which God appointed, that to him is greateſt which is moſt neceſſary: and mariage is then moſt brok'n to him, when he utterly wants the fruition of that which he ſought therin, whether it were religious, civill, or corporall ſociety. Of which wants to do him right by divorce onely for the laſt and meaneſt, is a perverſe injury, and the pretended reaſon of it as frigid as frigidity it ſelf, which the *Code* and Canon are only ſenſible of. Thus much of this controverſie. I now return to the former argument. And having ſhewn that diſproportion, contrariety, or numneſſe of mind may juſtly be divorc't, by proving already that the prohibition therof oppoſes the expreſſe end of Gods inſtitution, ſuffers not mariage to ſatisfie that intellectuall and innocent deſire which God himſelf kindl'd in man to be the bond of wedlock, but only to remedy a ſublunary & beſtiall burning,

burning, which frugall diet without mariage would easily chast'n. Next that it drives many to transgresse the conjugall bed, while the soul wanders after that satisfaction which it had hope to find at home, but hath mis't. Or els it sits repining even to Atheism; finding it self hardly dealt with, but misdeeming the cause to be in Gods Law, which is in mans unrighteous ignorance. I have shew'n also how it unties the inward knot of mariage, which is peace and love (if that can be unti'd which was never knit) while it aimes to keep fast the outward formalitie; how it lets perish the Christian man, to compell impossibly the maried man.

CHAP. X.

The Sixth Reason of this Law, that to prohibit divorce sought for naturall causes is against nature.

THe sixt place declares this prohibition to be as respectlesse of humane nature as it is of religion, and therefore is not of God. He teaches that an unlawfull mariage may be lawfully divorc't. And that those who having throughly discern'd each others disposition which oft-times cannot be till after matrimony, shall then find a powerfull reluctance and recoile of nature on either side blasting all the content of their mutuall society, that such persons are not lawfully maried (to use the Apostles words.) *Say I these things as a man, or saith not the Law also the same? for it is writt'n*, Deut. 22. *Thou shalt not sowe thy vineyard with divers seeds, lest thou defile both. Thou shalt not plow with an Ox and an Asse together*, and the like. I follow the pattern of S. *Pauls* reasoning; *Doth God care for asses and oxen*, how ill they yoke together, *or is it not said altogether for our sakes? for our sakes no doubt this is writt'n.* Yea the Apostle himself in the forecited 2 *Corinth.* 6. 14. alludes from that place of *Deut.* to forbid mis-yoking mariage; as by the Greek word is evident, though he instance but in one example of mismatching with an Infidell: yet next to that what can be a fouler incongruitie, a greater violence to the reverend secret of nature, then to force a mixture of minds that cannot unite, and to sowe the furrow of mans nativity with seed of two incoherent and uncombining dispositions; which act being kindly and voluntarie, as it ought, the Apostle in the language he wrote call'd *Eunoia*, and the Latines *Benevolence*, intimating the originall thereof to be in the understanding and the will: if not, surely there is nothing which might more properly be call'd a malevolence rather; and is the most injurious and unnaturall tribute that can be extorted from a person endew'd

dew'd with reaſon, to be made pay out the beſt ſubſtance of his body, and of his ſoul too, as ſome think, when either for juſt and powerfull cauſes he cannot like, or from unequall cauſes finds not recompence. And that there is a hidden efficacie of love and hatred in man as well as in other kinds, not morall, but naturall, which though not alwaies in the choice, yet in the ſucceſſe of mariage will ever be moſt predominant, beſides daily experience, the author of *Eccleſiaſticus*, whoſe wiſedom hath ſet him next the Bible, acknowledges, 13. 16. *A man*, ſaith he, *will cleave to his like*. But what might be the cauſe, whether each ones allotted *Genius* or proper Star, or whether the ſupernall influence of Schemes and angular aſpects or this elementall *Craſis* here below, whether all theſe joyntly or ſingly meeting friendly, or unfriendly in either party, I dare not, with the men I am likeſt to claſh, appear ſo much a Philoſopher as to conjecture. The ancient Proverb in *Homer* leſſe obſtruſe entitles this work of leading each like perſon to his like, peculiarly to God himſelf: which is plain anough alſo by his naming of a meet or like help in the firſt eſpouſall inſtituted; and that every woman is meet for every man, none ſo abſurd as to affirm. Seeing then there is indeed a twofold Seminary or ſtock in nature, from whence are deriv'd the iſſues of love and hatred diſtinctly flowing through the whole maſſe of ereated things, and that Gods doing ever is to bring the due likeneſſes and harmonies of his works together, except when out of two contraries met to their own deſtruction, he moulds a third exiſtence, and that it is error, or ſome evil Angel which either blindly or maliciouſly hath drawn together in two perſons ill imbarkt in wedlock the ſleeping diſcords and enmities of nature lull'd on purpoſe with ſome falſe bait, that they may wake to agony and ſtrife, later then prevention could have wiſht, if from the bent of juſt and honeſt intentions beginning what was begun, and ſo continuing, all that is equall, all that is fair and poſſible hath been tri'd, and no accommodation likely to ſucceed what folly is it ſtill to ſtand combating and battering againſt invincible cauſes and effects, with evill upon evill, till neither the beſt of our dayes be linger'd out, or ended with ſome ſpeeding ſorrow. The wiſe *Eccleſiaſticus* adviſes rather, 37. 27. *My ſon, prove thy ſoul in thy life, ſee what is evill for it, and give not that unto it*. Reaſon he had to ſay ſo; for if the noiſomneſſe or diſfigurement of body can ſoon deſtroy the ſympathy of mind to wedlock duties, much more will the annoyance and trouble of mind infuſe it ſelf into all the faculties and acts of the body, to render

them invalid, unkindly, and even unholy againſt the fundamentall law book of nature, which *Moſes* never thwarts, but reverences: therefore he commands us to force nothing againſt ſympathy or naturall order, no not upon the moſt abject creatures; to ſhew that ſuch an indignitie cannot be offer'd to man without an impious crime. And certainly thoſe divine meditating words of finding out a meet and like help to man, have in them a conſideration of more then the indefinite likeneſſe of womanhood; nor are they to be made waſte paper on, for the dulneſſe of Canon divinity: no nor thoſe other allegorick precepts of beneficence fetcht out of the cloſet of nature to teach us goodnes and compaſſion in not compelling together unmatchable ſocieties, or if they meet through miſchance, by all conſequence to diſ-joyn them, as God and nature ſignifies, and lectures to us not only by thoſe recited decrees, but ev'n by the firſt and laſt of all his viſible works; when by his divoreing command the world firſt roſe out of Chaos, nor can be renewed again out of confuſion but by the ſeparating of unmeet conſorts.

CHAP. XI.

The ſeventh Reaſon, That ſometimes continuance in mariage may be evidently the ſhortning or endangering of life to either party, both Law and Divinity concluding, that life is to be prefer'd before mariage the intended ſolace of life.

SEventhly, The Canon Law and Divines conſent, that if either party be found contriving againſt anothers life, they may be ſever'd by divorce; for a ſin againſt the life of mariage, is greater then a ſin againſt the bed: the one deſtroys, the other but defiles: The ſame may be ſaid touching thoſe perſons who being of a penſive nature and cours of life, have ſum'd up all their ſolace in that free and lightſome converſation which God and man intends in mariage: wherof when they ſee themſelves depriv'd by meeting an unſociable conſort, they oft-times reſent one anothers miſtake ſo deeply, that long it is not ere griefe end one of them. When therfore this danger is foreſeen, that the life is in perill by living together, what matter is it whether helples grief, or wilfull practice be the cauſe; This is certain, that the preſervation of life is more worth then the compulſory keeping of mariage; and it is no leſſe then crueltie to force a man to remain in that ſtate as the ſolace of his life, which he and his friends know will be either the undoing or the diſheartning of his life. And what is life without the

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vigor and ſpiritfull exerciſe of life? how can it be uſefull either to private or publick employment? ſhall it therfore be quite dejected, though never ſo valuable, and left to moulder away in heavines for the ſuperſtitious and impoſſible performance of an ill-driv'n bargain? Nothing more inviolable then vows made to God, yet we read in *Numbers* that if a wife had made ſuch a vow, the meer will and authoritie of her husband might break it; how much more may he break the error of his own bonds with an unfit and miſtak'n wife, to the ſaving of his welfare, his life, yea his faith and vertue from the hazard of over-ſtrong temptations; for if man be Lord of the Sabbath, to the curing of a Fevor, can he be leſſe then Lord of mariage in ſuch important cauſes as theſe?

CHAP. XII.

The eighth Reaſon, It is probable, or rather certain, that every one who happ'ns to marry, hath not the calling, and therfore upon unfitneſſe found and conſider'd, force ought not to be us'd.

EIghthly, It is moſt ſure that ſome even of thoſe who are not plainly defective in body, yet are deſtitute of all other mariageable gifts, and conſequently have not the calling to marry; unleſſe nothing be requiſite thereto but a meer inſtrumentall body; which to affirm, is to that unanimous Covenant a reproach: yet it is as ſure that many ſuch, not of their own deſire, but by the perſwaſion of friends, or not knowing themſelves, do often enter into wedlock; where finding the difference at length between the duties of a married life, and the gifts of a ſingle life; what unfitnes of mind, what weariſomneſſe, what ſcruples and doubts to an incredible offence and diſpleaſure are like to follow between, may be ſoon imagined: whom thus to ſhut up and immure and ſhut up together, the one with a miſchoſen mate, the other in a miſtaken calling, is not a cours that Chriſtian wiſdom and tenderneſſe ought to uſe. As for the cuſtome that ſome parents and guardians have of forcing mariages, it will be better to ſay nothing of ſuch a ſavage inhumanity, but onely thus, that the Law which gives not all freedom of divorce to any creature endued with reaſon ſo aſſaſinated, is next in cruelty.

CHAP. XIII.

The ninth Reason, Because mariage is not a meer carnall coition, but a humane Society, where that cannot reasonably be had, there can be no true matrimony. Mariage compar'd with all other cov'nants and vows warrantably broken for the good of man. Mariage the Papists Sacrament, and unfit mariage the Protestants Idoll.

NInthly, I suppose it will be allow'd us that mariage is a human Society, and that all human society must proceed from the mind rather then the body, els it would be but a kind of animall or beastiin meeting; if the mind therefore cannot have that due company by mariage, that it may reasonably and humanly desire, that mariage can be no human society, but a certain formality; or guilding over of little better then a brutish congresse, and so in very wisdome and pureness to be dissolv'd.

But mariage is more then human, *the Covenant of God*, Prov. 2. 17. therfore man cannot dissolve it. I answer, if it be more then human, so much the more it argues the chief society thereof to be in the soul rather theu in the body, and the greatest breach therof to be unfitnesse of mind rather then defect of body: for the body can have least affinity in a cov'nant more then human, so that the reason of dissolving holds good the rather. Again, I answer, that the Sabbath is a higher institution, a command of the first Table, for the breach wherof God hath far more and oftner testify'd his anger, then for divorces, which from *Moses* to *Malachy* he never took displeasure at, nor then neither, if we mark the Text; and yet as oft as the good of man is concern'd, he not only permits, but commands to break the Sabbath. What cov'nant more contracted with God, and lesse in mans power, then the vow which hath once past his lips? yet if it be found rash, if offensive, if unfruitfull either to Gods glory or the good of man, our doctrine forces not error and unwillingnes irksomly to keep it, but counsels wisdom and better thoughts boldly to break it; therfore to enjoyn the indissoluble keeping of a mariage found unfit against the good of man both soul and body, as hath been evidenc't, is to make an Idol of mariage, to advance it above the worship of God and the good of man, to make it a transcendent command, above both the second and the first Table, which is a most prodigious doctrine.

Next, wheras they cite out of the *Proverbs*, that it is the *Cov'nant of God*, and therfore more then human, that consequence is manifestly false:

falſe: for ſo the covnant which *Zedechiah* made with the Infidell King of *Babel*, is call'd the *Covnant of God.* Ezek. 17. 19. which would be ſtrange to hear counted more then a human covnant. So every cov'nant between man and man, bound by oath, may be calld the cov'nant of God, becauſe God therin is atteſted. So of mariage he is the author and the witnes; yet hence will not follow any divine aſtriction more then what is ſubordinate to the glory of God and the main good of either party; for as the glory of God and their eſteemed fitneſſe one for the other, was the motive which led them both at firſt to think without other revelation that God had joyned them together, So when it ſhall be found by their apparent unfitneſſe, that their continuing to be man and wife is againſt the glory of God and their mutuall happineſſe, it may aſſure them that God never joynd them; who hath reveal'd his gracious will not to ſet the ordinance above the man for whom it was ordain'd: not to canonize mariage either as a tyranneſſe or a goddeſſe over the enfranchiz'd life and ſoul of man: for wherin can God delight, wherin be worſhipt, wherin be glorify'd by the forcible continuing of an improper and ill-yoking couple? He that lov'd not to ſee the diſparity of ſeverall cattell at the plow, cannot be pleaſed with any vaſt unmeetneſſe in mariage. Where can be the peace and love which muſt invite God to ſuch a houſe, may it not be feared that the not divorcing of ſuch a helpleſſe diſagreement, will be the divorcing of God finally from ſuch a place? But it is a triall of our patience they ſay: I grant it: but which of *Jobs* afflictions were ſent him with that law, that he might not uſe means to remove any of them if he could? And what if it ſubvert our patience and our faith too? Who ſhall anſwer for the periſhing of all thoſe ſouls periſhing by ſtubborn expoſitions of particular and inferior precepts againſt the generall and ſupreme rule of charity? They dare not affirm that mariage is either a Sacrament, or a myſtery, though all thoſe ſacred things give place to man, and yet they inveſt it with ſuch an awfull ſanctity, and give it ſuch adamantine chains to bind with, as if it were to be worſhipt like ſome Indian deity, when it can conferre no bleſſing upon us, but works more and more to our miſery. To ſuch teachers the ſaying of S. *Peter* at the Councell of *Jeruſalem* will do well to be applied: *Why tempt ye God to put a yoke upon the necks* of Chriſtian men, which neither the *Jews*, Gods ancient people, *nor we are able to bear*: and nothing but unwary expounding hath brought upon us.

CHAP.

CHAP. XIV.

Conſiderations concerning Familiſme, Antinomianiſme, and why it may be thought that ſuch opinions may proceed from the undue reſtraint of ſome juſt liberty, then which no greater cauſe to contemne diſcipline.

TO theſe conſiderations this alſo may be added as no improbable conjecture; ſeeing that ſort of men who follow *Anabaptiſm, Familiſm, Antinomianiſm,* and other fanatick dreams (if we underſtand them not amiſſe) be ſuch moſt commonly as are by nature addicted to Religion, of life alſo not debauſht, and that their opinions having full ſwinge, do end in ſatisfaction of the fleſh, it may be come with reaſon into the thoughts of a wiſe man, whether all this proceed not partly, if not chiefly, from the reſtraint of ſome lawfull liberty, which ought to be giv'n men, and is deny'd them. As by Phyſick we learn in menſtruous bodies, where natures current hath been ſtopt, that the ſuffocation and upward forcing of ſome lower part, affects the head and inward ſenſe with dotage & idle fancies. And on the other hand, whether the reſt of vulgar men not ſo religiouſly profeſſing do not give themſelves much the more to whoredom and adulteries, loving the corrupt and venial diſcipline of clergie Courts, but hating to hear of perfect reformation: when as they foreſee that then fornication ſhall be auſterely cenſur'd, adultery puniſht, and mariage the appointed refuge of nature, though it hap to be never ſo incongruous and diſpleaſing, muſt yet of force be worn out, when it can be to no other purpoſe but of ſtrife and hatred, a thing odious to God. This may be worth the ſtudy of skilfull men in Theology, and the reaſon of things: and laſtly to examine whether ſome undue and ill grounded ſtrictneſſe upon the blameleſſe nature of man, be not the cauſe in thoſe places where already reformation is, that the diſcipline of the Church ſo often and ſo unavoidably brok'n, is brought into contempt and deriſion. And if it be thus, let thoſe who are ſtill bent to hold this obſtinate *literality*, ſo prepare themſelves as to ſhare in the account for all theſe tranſgreſſions, when it ſhall be demanded at the laſt day by one who will ſcan and ſift things with more then a literall wiſdom of equity; for if theſe reaſons be duly ponder'd, and that the Goſpel is more jealous of laying on exceſſive burdens then ever the Law was, leſt the ſoul of a Chriſtian which is ineſtimable, ſhould be over-tempted and caſt away, conſidering alſo that many properties of nature, which the power of regeneration it ſelf never alters, may cauſe diſ-

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like of converſing even between the moſt ſanctify'd, which continually grating in harſh tune together, may breed ſome jarre and diſcord, and that end in rancor and ſtrife, a thing ſo oppoſite both to mariage and to Chriſtianity, it would perhaps be leſſe ſcandall to divorce a naturall diſparity, then to link violently together an unchriſtian diſſention, committing two enſnared ſouls inevitably to kindle one another, not with the fire of love, but with a hatred *inconcileable*, who were they diſſevered, would be ſtraight friends in any other relation. But if an alphabeticall ſervility muſt be ſtill urged, it may ſo fall out, that the true Church may unwittingly uſe as much cruelty in forbidding to divorce, as the Church of Antichriſt doth wilfully in forbidding to marry.

THE SECOND BOOK.

CHAP. I.

The Ordinance of Sabbath and mariage compar'd. Hyperbole no unfrequent figure in the Goſpel. Exceſſe cur'd by contrary exceſſe. Chriſt neither did, nor could abrogat the Law of divorce, but onely reprove the abuſe therof.

HItherto the Poſition undertaken hath been declar'd, and proved by a Law of God, that Law proved to be morall, and unabolishable for many reaſons equall, honeſt, charitable, juſt, annext therto. It follows now that thoſe places of Scripture which have a ſeeming to revoke the prudence of *Moſes*, or rather that mercifull decree of God, be forthwith explain'd and reconcil'd. For what are all theſe reaſonings worth wil ſome reply, whenas the words of Chriſt are plainly againſt all divorce, except *in caſe of fornication*. To whom he whoſe mind were to anſwer no more but this, *except alſo in caſe of charity*, might ſafely appeal to the more plain words of Chriſt in defence of ſo excepting. *Thou ſhalt do no manner of work* ſaith the commandment of the Sabbath. Yes ſaith Chriſt works of charity. And ſhall we be more ſevere in paraphraſing the conſiderat and tender Goſpel, then he was in expounding the rigid and peremptory Law? What was ever in all appearance leſſe made for man, and more for God alone then the Sabbath? yet when the good of man comes into the ſcales, we hear that voice of infinite goodneſſe and benignity that *Sabbath was made for man*,

man, not man for Sabbath. What thing ever was more made for man alone and leſſe for God then mariage? And ſhall we load it with a cruell and ſenceles bondage utterly againſt both the good of man and the glory of God? Let who ſo will now liſten, I want neither pall nor mitre, I ſtay neither for ordination or induction, but in the firm faith of a knowing Chriſtian, which is the beſt and trueſt endowment of the keyes, I pronounce, the man who ſhall bind ſo cruelly a good and gracious ordinance of God, hath not in that the Spirit of Chriſt. Yet that every text of Scripture ſeeming oppoſite may be attended with a due expoſition, this other part enſues, and makes account to find no ſlender arguments for this aſſertion out of thoſe very Scriptures, which are commonly urg'd againſt it.

Firſt therfore let us remember as a thing not to be deny'd, that all places of Scripture wherin juſt reaſon of doubts ariſes from the letter, are to be expounded by conſidering upon what occaſion every thing is ſet down: and by comparing other Texts. The occaſion which induc't our Saviour to ſpeak of divorce, was either to convince the extravagance of the Phariſes in that point, or to give a ſharp and vehement anſwer to a tempting queſtion. And in ſuch caſes that we are not to repoſe all upon the literall terms of ſo many words, many inſtances will teach us: Wherin we may plainly diſcover how Chriſt meant not to be tak'n word for word, but like a wiſe Phyſician, adminiſtring one exceſſe againſt another to reduce us to a perfect mean: Where the Phariſes were ſtrict, there Chriſt ſeems remiſſe; where they were too remiſſe, he ſaw it needfull to ſeem moſt ſevere: in one place he cenſures an unchaſt look to be adultery already committed: another time he paſſes over actuall adultery with leſſe reproof then for an unchaſt look; not ſo heavily condemning ſecret weaknes, as open malice: So heer he may be juſtly thought to have giv'n this rigid ſentence againſt divorce, not to cut off all remedy from a good man who finds himſelf conſuming away in a diſconſolate and uninjoy'd matrimony, but to lay a bridle upon the bold abuſes of thoſe over-weening *Rabbies*; which he could not more effectually do, then by a counterſway of reſtraint curbing their wild exorbitance almoſt into the other extreme; as when we bow things the contrary way, to make them come to their naturall ſtraitneſſe. And that this was the only intention of Chriſt is moſt evident; if we attend but to his own words and proteſtation made in the ſame Sermon, not many verſes before he treats of divorcing, that he came

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not to abrogate from the Law *one jot or tittle*, and denounce againſt them that ſhall ſo reach.

But S. *Luke*, the verſe immediatly before going that of divorce inſerts the ſame caveat, as if the latter could not be underſtood without the former; and as a witneſſe to produce againſt this our wilfull miſtake of abrogating, which muſt needs confirm us that what ever els in the political law of more ſpecial relation to the Jewes might ceaſe to us, yet that of thoſe precepts concerning divorce, not one of them was repeal'd by the Doctrine of Chriſt, unleſſe we have vow'd not to beleeve his own cautious and immediat profeſſion; for if theſe our Saviours words inveigh againſt all divorce, and condemn it as adultery, except it be for adultery, and be not rather underſtood againſt the abuſe of thoſe divorces permitted in the Law, then is that Law of *Moſes*, Deut. 24. 1. not onely repeal'd and wholly annull'd againſt the promiſe of Chriſt and his known profeſſion, not to meddle in matters Judicial, but that which is more ſtrange, the very ſubſtance and purpoſe of that Law is contradicted and convinc't both of injuſtice and impurity, as having authoriz'd and maintain'd legall adultery by ſtatute. *Moſes* alſo cannot ſcape to be guilty of unequall and unwiſe decrees, puniſhing one act of ſecret adultery by death, and permitting a whole life of open adultery by Law. And albeit Lawyers write that ſome politicall edicts, though not approv'd, are yet allow'd to the ſcum of the people and the neceſſity of the times; theſe excuſes have but a weake pulſe: for firſt, we read, not that the ſconndrel people, but the choiceſt, the wiſeſt, the holieſt of that nation have frequently us'd theſe lawes, or ſuch as theſe in the beſt and holieſt times. Secondly, be it yeelded, that in matters not very bad or impure, a human law giver may ſlacken ſomething of that which is exactly good, to the diſpoſition of the people and the times: but if the perfect, the pure, the righteous law of God, for ſo are all his ſtatutes and his judgements, be found to have allow'd ſmoothly without any certain repr ehenſion, that which Chriſt afterward declares to be adultery, how can we free the Law from the horrible endightment of being both impure, unjuſt, and fallacious.

CHAP. II.

How divorce was permitted for hardneſſe of heart, cannot be underſtood by the common expoſition. That the Law cannot permit, much leſſe enact a permiſſion of ſin.

NEither will it ſerve to ſay this was permitted for the hardneſſe of their hearts, in that ſenſe, as it is uſually explain'd, for the Law

were then but a corrupt and erroneous School-master, teaching us to dash against a vitall maxim of religion, by doing foul evill in hope of some uncertain good.

This onely Text not to be match't again throughout the whole Scripture, whereby God in his perfect Law should seeme to have granted to the hard hearts of his holy people under his owne hand, a civill immunity and free charter to live and die in a long successive adultery, under a covenant of works, till the *Messiah*, and then that indulgent permission to be strictly deny'd by a cov'nant of grace; besides the incoherence of such a doctrine, cannot, must not be thus interpreted, to the raising of a paradox never known till then, onely hanging by the twin'd thred of one doubtfull Scripture, against so many other rules and leading principles of religion, of justice, and purity of life. For what could be granted more either to the feare, or to the lust of any tyrant, or expliticiat, then this authority of *Moses* thus expounded; which opens him a way at will to damme up justice, and not onely to admit of any *Romish* or *Austrian* dispences, but to enact a statute of that which he dares not seeme to approve, ev'n to the legitimate vices, to make sinne it selfe, the ever alien and vassal sin, a free Citizen of the Common-wealth, pretending onely these or these plausible reasons. And well he might, all the while that *Moses* shall be alledgd to have done as much without shewing any reason at all. Yet this could not enter into the heart of *David*, *Psal.* 94. 20. how any such autority as endeavours *to fashion wickednes by a law*, should derive it selfe from God. And *Isaiah* 10 yes *woe upon them that decree unrighteous decrees* 10. 1. Now which of these two is the better Lawgiver, and which deserves most a woe, he that gives out an edict singly unjust, or he that confirmes to generations a fixt and unmolested impunity of that which is not onely held to be unjust, but also unclean, and both in a high degree, not onely as they themselves affirm, an injurious expulsion of one wife, but also an unclean freedome by more then a patent to wed another adulterously? How can we therefore with safety thus dangerously confine the free simplicity of our Saviours meaning to that which meerly amounts from so many letters, when as it can consist neither with his former and canonary word, nor with other more pure and holy principles, nor finally with the scope of charity, commanding by his expresse commission in a higher grain. But all rather of necessity must be understood as onely against the abuse of that wise and

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ingenuous liberty which *Moſes* gave, and to terrifie a roaving conſcience from ſinning under that pretext.

CHAP. III.

That to allow ſin by Law, is againſt the nature of Law, the end of the lawgiver and the good of the people. Impoſſible therefore in the Law of God That it makes God the author of ſin more than any thing objected by the Ieſuits or Arminians againſt Predeſtination.

BUt let us yet further examine upon what conſideration a Law of licence could be thus giv'n to a holy people for the hardneſſe of heart. I ſuppoſe all will anſwer, that for ſome good end or other. But here the contrary ſhall be prov'd. *Firſt*, that many ill effects, but no good end of ſuch a ſufferance can be ſhewn; next, that a thing unlawfull can for no good end whatever be either don or allow'd by a poſitive law. If there were any good end aim'd at, that end was then good, either to the Law, or to the lawgiver licencing; or as to the perſon licenc't. That it could not be the end of the Law, whether Morall or Judiciall to licence a ſin, I prove eaſily out of *Rom.* 5. 20. *The Law enter'd that the offence might abound*, that is, that ſin might be made abundantly manifeſt to be hainous and diſpleaſing to God, that ſo his offer'd grace might be the more eſteem'd. Now if the Law inſtead of aggravating and terrifying ſin, ſhall give out licence, it foils it ſelfe, and turns recreant from its owne end: it foreſtalls the pure grace of Chriſt which is through righteouſneſſe, with impure indulgences which are through ſin. And inſtead of diſcovering ſinne, for *by the Law is the knowledge therof* ſaith S. *Paul*, and that by certain and true light for men to walk in ſafely, it holds out falſe and dazling fires to ſtumble men: or like thoſe miſerable flies to run into with delight, and be burnt: for how many ſoules might eaſily think that to be lawfull, which the Law and Magiſtrate allow'd them? Again we read, 1 Tim. 1. 5. *The end of the Commandment is charity out of a pure heart, and of a good conſcience, and of faith unfeigned.* But never could that be charity to allow a people what they could not uſe with a pure heart, but with conſcience and faith both deceiv'd, or els deſpis'd. The more particular end of the Judiciall Law is ſet forth to us clearly *Rom.* 13. that God hath giv'n to that Law a *Sword not in vain, but to be a terror to evil works, a revenger to execute wrath upon him that doth evil.* If this terrible commiſſion ſhould but forbeare to puniſh wickedneſs, were it other to be accounted then partiall and unjuſt? but if it

begin to write indulgence to vulgar uncleanneſſe can it doe more to corrupt and ſhame the end of its own being? Laſtly, if the Law allow ſin, it enters into a kind of covnant with ſin, and if it doe, there is not a greater ſinner in the world then the Law it ſelfe. The Law, to uſe an allegory ſomthing different from that in *Philo Iudeus* concerning *Amaleck*, though haply more ſignificant, the Law is the *Iſraelite*, and hath this abſolute charge given it, Deut. 25. *To blot out the memory of* ſin *the Amalekite from under heav'n, not to forget it.* Again, the Law is the *Iſraelite*, and hath this expreſſe repeated command *to make no cov'nant with* ſin *the Cananite*, but to expell him, leſt he prove a ſnare. And to ſay truth it were too rigid and reaſonleſſe to proclaime ſuch an enmi y between man and man, were it not the type of a greater enmity between law and ſin. I ſpeake ev'n now, as if ſin were condemn'd in a perpetuall *villenage* never to be free-by-law, never to be *manumitted*: but ſure ſin can have no tenure by law at all but is rather an eternall outlaw, and in hoſtility with Law paſt all attonement: both *diagonial* contraries, as much allowing one another, as day and night together both in one hemiſphere. Or if it be poſſible, that ſin with his darkneſſe may come to compoſition, it cannot be without a foul eclipſe, and twylight to the law, whoſe brightneſſe ought to ſurpaſſe the noon. Thus we ſee how this unclean permittance defeats the ſacred and glorious end both of the Moral and Judicial Law.

As little good can the lawgiver propoſe to equity by ſuch a laviſh remiſſnes as this: if to remdy hardneſſe of heart, *Paræus* and other divines confeſſe, it more encreaſes by this liberty, then is leſſn'd: and how is it probable that their hearts were more hard in this that it ſhould be yeelded to, then in any other crime? Their hearts were ſet upon uſury, and are to this day, no Nation more; yet that which was the endammaging onely of their eſtates, was narrowly forbid; this which is thought the extreame injury and diſhonour of their Wives and daughters with the defilement alſo of themſelves, is bounteouſly allow'd. Their hearts were as hard under their beſt Kings to offer in high places, though to the true God; yet that but a ſmall thing is ſtrictly forwarn'd; this accounted a high offence againſt one of the greateſt moral duties, is calmely permitted and eſtabliſht. How can it be evaded but that the heavie cenſure of Chriſt ſhould fall worſe upon this lawgiver of theirs, then upon all the Scribes and Phariſes? For they did but omit Judgment and Mercy to triſle in Mint and Cummin, yet all according to Law; but this their Lawgiver altogether as punctuall in ſuch nicetie's, goes marching on to adulte-

adulteries, through the violence of divorce by Law againſt Law. If it were ſuch a curſed act of *Pilat* a ſubordinate Judge to Cæſar, overſwayed by thoſe hard hearts with much a doe to ſuffer one tranſgreſſion of Law but once, what is it then with leſſe a doe to publiſh a Law of tranſgreſſion for many ages? Did God for this come down and cover the Mount of *Sinai* with his glory, uttering in thunder thoſe his ſacred Ordinances out of the bottomleſſe treaſures of his wiſdome and infinite pitties to patch up an ulcerous and rott'n common-wealth with ſtrict and ſtern injunctions, to waſh the skin and garments for every unclean touch, and ſuch eaſie permiſſion giv'n to pollute the ſoule with adulteries by publick authority, without diſgrace, or queſtion? No it had bin better that man had never known Law or matrimony, then that ſuch foul iniquity ſhould be faſt'nd upon the holy One of *Iſrael*, the Judge of all the earth, and ſuch a peece of folly as *Belzebub* would not commit, to divide againſt himſelf and pervert his own ends; or if he to compaſſe more certain miſchief, might yeild perhaps to fain ſome good deed, yet that God ſhould enact a licence of certain evill for uncertain good againſt His owne glory and pitties, is abominable to conceive. And as it is deſtructive to the end of Law, and blaſphemous to the honour of the lawgiver licencing, ſo is it as pernicious to the perſon licenc't. If a private friend admoniſh not, the Scripture ſaith *he hates his brother and lets him periſh*; but if he ſooth him, and allow him in his faults, the Proverbs teach us *he ſpreads a net for his neighbors feet, & worketh ruin.* If the Magiſtrate or Prince forget to adminiſter due juſtice and reſtrain not ſin, *Eli* himſelf could ſay *it made the Lords people to tranſgreſſe.* But if he count'nance them againſt law by his owne example, what havock it makes both in Religion and vertue among the people, may be gueſt by the anger it brought upon *Hophni* and *Phineas*, not to be appeas'd *with ſacrifice nor offring for ever.* If the Law be ſilent to declare ſin, the people muſt needs generally goe aſtray, for the Apoſtle himſelf ſaith, *he had not known luſt but by the Law*: and ſurely ſuch a Nation ſeems not to be under the illuminating guidance of Gods law, but under the horrible doom rather of ſuch as deſpiſe the Goſpel, *he that is filthy let him be filthy ſtill.* But where the Law it ſelf gives a warrant for ſin, I know not what condition of miſery to imagine miſerable anough for ſuch a people, unleſſe that portion of the wicked, or rather of the damned, on whom God threatens in 11. Pſalm, *to rain ſnares*: but that queſtionleſſe cannot be by any Law, which the Apoſtle ſaith *is a miniſtery ordain'd of God unto our good*, and not ſo many

wayes and in so high a degree to our destruction, as we have now bin graduating. And this is all the good can come to the person licenc't in his hardnesse of heart.

I am next to mention that which because it is a ground in divinity, Rom. 3. will save the labour of demonstrating, unlesse her giv'n axioms be more doubted then in other Arts (although it be no lesse firme in the precepts of Philosophy) that a thing unlawfull can for no good whatsoever be done, much lesse allow'd by a positive law. And this is the matter why Interpreters upon that passage in *Hosea* will not consent it to be a true story, that the Prophet tooke a Harlot to wife, because God being a pure Spirit could not command a thing repugnant to his own nature, no not for so good an end as to exhibit more to the life a wholsome and perhaps a converting parable to many an Israelite. Yet that he commanded the allowance of adulterous and injurious divorces for hardnesse of heart, a reason obscure and in a wrong sense, they can very savourily perswade themselves, so tenacious is the leven of an old conceit. But they shift it, he permitted only. Yet silence in the Law is consent, and consent is accessory; why then is not the Law being silent, or not active against a crime, accessory to its own conviction, it selfe judging? For though we should grant; that it approves not, yet it wills; and the Lawyers maxim is, that *the will compell'd is yet the will.* And though *Aristotle* in his Ethicks call this *a mixt action*, yet he concludes it to be voluntary and inexcusable, if it be evill. How justly then might humane law and Philosophy rise up against the righteousnesse of *Moses*, if this be true which our vulgar Divinity fathers upon him, yea upon God himselfe; not silently and onely negatively to permit, but in his law to divulge a written and generall priviledge to commit and persist in unlawfull divorces with a high hand, with security and no ill fame: for this is more then permitting and contriving, this is maintaining; this is warranting, this is protecting, yea this is doing evill, and such an evil as that reprobate lawgiver did, whole lasting infamy is ingrav'n upon him like a surname *he who made Israel to sin.* This is the loweſt pitch contrary to God that publicke fraud and injustice can descend.

If it be affirm'd that God as being Lord may doe what he will, yet we must know that God hath not two wills, but one will, much lesse two contrary. If he once will'd adultery should be sinfull, and to be punisht by death, all his omnipotence will not allow him to will the allowance that his holiest people might as it were by his

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own *Antinomie*, or counter-statute live unreprov'd in the same fact as he himselfe esteem'd it, according to our common explainers. The hidden wayes of his providence we adore & search not; but the law is his revealed will his compleat, his evident, and certain will; herein he appeares to us as it were in human shape, enters into cov'nant with us, swears to keep it, binds himselfe like a just lawgiver to his own prescriptions, gives himselfe to be understood by men, judges and is judg'd, measures and is commensurat to the right reason; cannot repaire lesse of us in one cantle of his Law then in another, his legall justice cannot be so fickle and so variable, sometimes like a devouring fire, and by and by connivent in the embers, or, if I may so say, otcitant and supine. The vigor of his Law could no more remit, then the hallowed fire upon his altar could be let go out. The Lamps that burnt before him might need snuffing, but the light of his Law never. Of this also more beneath, in discussing a solution of *Rivetus*.

The Jesuits, and that sect among us which is nam'd of *Arminius*, are wont to charge us of making God the author of sinne in two degrees especially, not to speake of his permission. 1. Because we hold that he hath decreed some to damnation, and consequently to sinne, say they: Next, because those meanes which are of saving knowledge to others, he makes to them an occasion of greater sinne. Yet considering the perfection wherein man was created, and might have stood, no decree necessitating his free will, but subsequent though not in time yet in order to causes which were in his own power, they might, me thinks be perswaded to absolve both God and us. When as the doctrine of *Plato* and *Chrysippus* with their followers the *Academies* and the *Stoics*, who knew not what a consummat and most adorned *Pandora* was bestow'd upon *Adam* to be the nurse and guide of his arbitrary happinesse and perseverance, I mean his native innocence and perfection, which might have kept him from being our true *Epimetheus*, and though they taught of vertue and vice to be both the gift of *divine destiny*, they could yet give reasons not invalid, to justifie the councells of God and Fate from the insulsity of mortall tongues: That mans own will selfe corrupted is the adequat and sufficient cause of his disobedience *besides Fate*; as *Homer* also wanted not to expresse both in his *Iliad* and *Odissei*. And *Manilius* the Poet although in his fourth book he tells of some *created both to sinne and punishment*; yet without murmuring and with an industrious chearfulnes acquits the *Deity*. They were not ignorant in their hea-

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when lore, that it is moſt God-like to puniſh thoſe who of his creatures became his enemies with the greateſt puniſhment; and they could attain alſo to think that the greateſt, when God himſelfe throws a man furtheſt from him; which then they held hee did, when he blinded, hard'n'd, and ſtirr'd up his offendors to finiſh, and pile up their deſperate worke ſince they had undertak'n it. To baniſh for ever unto a locall hell, whether in the aire or in the center, or in that uttermoſt and bottomleſſe gulph of *Chaos*, deeper from holy bliſſe then the worlds diameter multiply'd, they thought not a puniſhing ſo proper and proportionate for God to inflict, as to puniſh ſinne with ſinne. Thus were the common ſort of Gentiles wont to thinke, without any wry thoughts caſt upon divine governance. And therefore *Cicero* not in his *Tuſculan* or *Campanian* retirements among the learned wits of that age; but ev'n in the *Senat* to a mixt auditory (though he were ſparing otherwiſe to broach his Philoſophy among Statiſts and Lawyers) yet as to this point both in his oration againſt *Piſo*, and in that which is about the anſwers of the foothſayers againſt *Clodius*, he declares it publikly as no paradox to common eares, that God cannot puniſh man more, nor make him more miſerable: then ſtill by making him more ſinnfull. Thus we ſee how in this controverſie the juſtice of God ſtood upright ev'n among heathen diſputers. But if any one be truly, and not pretendedly zealous for Gods honour, here I call him forth before men and Angels, to uſe his beſt and moſt adviſed skill, leſt God more unavoidably then ever yet, and in the groſſeſt manner be made the author of ſin: if he ſhall not onely deliver over and incite his enemies by rebuke to ſin as a puniſhment, but ſhall by patent under his own broad ſeale allow his friend whom he would ſanctify and ſave, whom he would unite to himſelfe and not diſ-joyne, whom he would correct by wholſome chaſtning, and not puniſh as hee doth the damned by lewd ſinning, if he ſhall allow theſe in his Law the perfect rule of his own pureſt will, and our moſt edify'd conſcience, the perpetrating of an odious and manifold ſin without the leſt conteſting. 'Tis wonderd how there can be in God a ſecret, and a reveal'd will; and yet what wonder, if there be in man two anſwerable cauſes. But here there muſt be two revealed wills grappling in a fraternall warre with one another without any reaſonable cauſe apprehended. This cannot be leſſe then to ingraft ſin into the ſubſtance of the law, which law is to provoke ſin by croſſing and forbidding, not by complying with it. Nay this is, which I tremble in uttering, to incarnat ſin into the un-

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puniſhing and well pleas'd will of God. To avoid theſe dreadful conſequences that tread upon the heels of thoſe allowances to ſin, will be a task of far more difficulty then to appeaſe thoſe minds which perhaps out of a vigilant and wary conſcience except againſt predeſtination. Thus finally we may conclude, that a Law wholly giving licence cannot upon any good conſideration be giv'n to a holy people for hardneſſe of heart in the vulgar ſenſe.

CHAP. IV.

That if divorce be no command, no more is mariage. That divorce could be no diſpenſation if it were lawfull. The Solution of Rivetus, *that God diſpenc't by ſome unknown way, ought not to ſatisfie a Chriſtian mind.*

OThers think to evade the matter by not granting any Law of divorce, but onely a diſpenſation, which is contrary to the words of Chriſt, who himſelfe calls it a *Law*, *Mark.* 10. 5. or if we ſpeak of a command in the ſtricteſt definition, then mariage it ſelf is no more a command then divorce, but only a free permiſſion to him who cannot contain. But as to diſpenſation I affirm, the ſame as before of the Law, that it can never be giv'n to the allowance of ſin, God cannot give it neither in reſpect of himſelf, nor in reſpect of man: not in reſpect of himſelf, being a moſt pure eſſence, the juſt avenger of ſin; neither can he make that ceaſe to be a ſin, which is in it ſelf injuſt and impure, as all divorces they ſay were which were not for adultery. Not in reſpect of man; for then it muſt be either to his good or to his evil: Not to his good; for how can that be imagin'd any good to a ſinner whom nothing but rebuke and due correction can ſave, to hear the determinate oracle of divine Law louder then any reproof diſpenſing and providing for the impunity and convenience of ſin; to make that doubtfull, or rather lawfull, which the end of the law was to make moſt evidently hatefull. Nor to the evil of man can a diſpence be given; for if *the Law were ordain'd unto life*, Rom. 7. 10. how can the ſame God publiſh diſpences againſt that Law, which muſt needs be unto death? Abſurd and monſtrous would that diſpence be, if any Judge or Law ſhould give it a man to cut his own throat, or to damne himſelf. Diſpence therefore preſuppoſes full pardon, or els it is not a diſpence, but a moſt banefull & bloody ſnare. And why ſhould God enter covenant with a people to be holy, as *the Command is holy, and juſt, and good*, *Rom.* 7. 12. and yet ſuffer an impure and treacherous diſpence to miſlead and betray them under the vizard of Law to a legitimate practice of uncleanneſſe. God is no cov'nant breaker, he cannot do this.

Rivetus, a diligent and learned Writer, having well waighed what hath been written by those founders of dispence, and finding the small agreement among them, would fain work himself aloof these rocks and quicksands, and thinks it best to conclude that God certainly did dispence, but by some way to us unknown, and so to leave it. But to this I oppose, that a Christian by no means ought rest himself in such an ignorance; whereby so many absurdities will strait reflect both against the purity, justice, and wisdom of God, the end also both of Law and Gospel, and the comparison of them both together. God indeed in some wayes of his providence, is high and secret past finding out: but in the delivery and execution of his Law, especially in the managing of a duty so daily and so familiar as this is wherof we reason, hath plain anough revealed himself, and requires the observance therof not otherwise then to the law of nature and of equity imprinted in us seems correspondent. And he hath taught us to love and to extoll his Laws, not onely as they are his, but as they are just and good to every wise and sober understanding. Therefore *Abraham* even to the face of God himself, seemed to doubt of divine justice, if it should swerve from that irradiation wherwith it had enlightned the mind of man, and bound it self to observe its own rule. *Wilt thou destroy the righteous with the wicked? That be far from thee; shall not the Judge of the earth do right?* Thereby declaring that God hath created a righteousnesse in right it self, against which he cannot do. So *David*, Psal. 119. *The testimonies which thou hast commanded are righteous and very faithfull; thy word is very pure, therfore thy servant loveth it.* Not only then for the authors sake, but for its own purity. *He is faithfull*, saith S. *Paul*, *he cannot deny himself*, that is, cannot deny his own promises, cannot but be true to his own rules. He often pleads with men the uprightnes of his waies by their own principles. How should we imitate him els to *be perfect as he is perfect*. If at pleasure he can dispence with golden Poetick ages of such pleasing licence, as in the fabled reign of old *Saturn*. And this perhaps before the Law might have some covert; but under such an undispencing covenant as *Moses* made with them, and not to tell us why and wherefore indulgence, cannot give quiet to the brest of any intelligent man. We must be resolved, how the Law can be pure and perspicuous, and yet throw a polluted skirt over these *Eleusinian* mysteries, that no man can utter what they mean: worse in this then the worst obscenities of heathen superstition; for their filthines was hid, but the mystick reason thereof known to their Sages: But

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this Jewiſh imputed filthineſſe was daily and open, but the reaſon of it is not known to our Divines. We know of no deſigne the Goſpel can have to impoſe new righteouſnes upon works, but to remit the old by faith without works, if we mean juſtifying works: we know no myſtery our Saviour could have to lay new bonds upon mariage in the covenant of grace which himſelf had looſned to the ſeverity of Law. So that *Rivetus* may pardon us if we cannot be contented with his non-ſolution to remain in ſuch a peck of incertainties and doubts ſo dangerous and gaſtly to the fundamentals of our faith.

CHAP. V.

What a Diſpenſation is.

THerfore to get ſome better ſatisfaction, we muſt proceed to enquire as diligently as we can, what a diſpenſation is, which I find to be either properly ſo call'd, or improperly. Improperly ſo call'd, is rather a particular and exceptive law abſolving & diſobliging from a more general command for ſome juſt and reaſonable cauſe. As *Num.* 9. they who were unclean, or in a journey, had leave to keep the paſſeover, in the ſecond moneth, but otherwiſe ever in the firſt. As for that in *Leviticus* of marrying the brothers wife, it was a penall ſtatute rather then a diſpenſe; and commands nothing injurious or in it ſelf unclean, only prefers a ſpeciall reaſon of charitie, before an inſtitutive decencie, and perhaps is meant for life time only, as is expreſt beneath in the prohibition of taking two ſiſters. What other edict of *Moſes*, carrying, but the ſemblance of a Law in any other kind, may bear the name of a diſpence, I have not readily to inſtance. But a diſpenſation moſt properly is ſome particular accident rarely hapning, and therfore not ſpecify'd in the Law, but left to the deciſion of charitie, ev'n under the bondage of Jewiſh rites, much more under the liberty of the Goſpel. Thus did *David enter into the houſe of God, and did eat the Shew bread, he and his followers, which was* ceremonially *unlawfull.* Of ſuch diſpenſes as theſe it was that *Verdune* the *French* Divine ſo gravely diſputed in the Councell of *Trent* againſt Friar *Adrian*, who held that the Pope might diſpence with any thing. *It is a fond perſwaſion*, ſaith *Verdune*, *that diſpencing is a favour, nay it is as good diſtributive juſtice, as what is moſt, and the Prieſt ſins if he give it not: for it is nothing elſe but a right interpretation of Law.* Thus farre that I can learn touching this matter wholſomly decreed. But that God who is the giver of every good and perfect gift, *Jam.* 1. ſhould give out a rule and directory

to sin by, should enact a dispensation as long liv'd as a law wherby to live in privileg'd adultery for hardnes of heart, and yet this obdurat disease cannot be conceiv'd how it was the more amended by this unclean remedy, is the most deadly and Scorpion like gift that the enemy of mankind could have given to any miserable sinner, and is rather such a dispence as that was which the Serpent gave to our first parents. God gave Quails in his wrath, and Kings in his wrath, yet neither of these things evill in themselves, but that he whose eyes cannot behold impurity, should in the book of his holy cov'nant, his most unpassionat law, give licence, and statute for uncontroul'd adultery, although it go for the receiv'd opinion, I shall ever disswade my soul from such a creed, such an indulgence as the shop of Antichrist never forg'd a baser.

CHAP. VI.

That the Jew had no more right to this supposed dispence, then the Christian hath, and rather not so much.

BUt if we must needs dispence, let us for a while so farre dispence with truth, as to grant that sin may be dispene't: yet there will be copious reason found to prove that the Jew had no more right to such a suppos'd indulgence, then the Christian, whether we look at the clear knowledge wherin he liv'd, or the strict performance of works wherto he was bound. Besides visions and propheſies they had the Law of God, which in the Psalms and Proverbs is chiefly prais'd for sureneſſe and certaintie both easie and perfect to the enlightning of the simple. How could it be so obscure then, or they so sottishly blind in this plain morall and houshold duty? They had the same precepts about mariage, Christ added nothing to their clearneſſe, for that had argu'd them imperfect; he opens not the Law, but removes the Pharisaick mists rais'd between the law and the peoples eyes: the only sentence which he addes, *What God hath joyn'd let no man put asunder*, is as obscure as any clause fetcht out of *Genesis*, and hath encreast a yet undecided controverſie of *Clandeſtine* mariages. If we examine over all his sayings, we shall find him not so much interpreting the Law with his words, as referring his own words to be interpreted by the Law, and oftner obscures his mind in short, and vehement, and compact sentences, to blind and puzzle them the more who would not understand the Law. The Jews therfore were as little to be dispenc't with for lack of morall knowledge, as we.

Next, none I think will deny, but that they were as much bound to perform

perform the Law as any Chriſtian. That ſevere and rigorous knife not ſparing the tender fore-skin of any male infant, to carve into his fleſh the mark of that ſtrict and pure cov'nant wherinto he enter'd, might give us to underſtand anough againſt the fancie of diſpencing. S. *Paul* teſtifies that every *circumcis'd man is a debtor to the whole law*, Gal. 5. or els *circumciſion is in vain*, Rom. 2. 25. How vain then, and how prepoſterous muſt it need be to exact a circumciſion of the fleſh from an infant unto an outward ſigne of purity, and to diſpence an uncircumciſion in the ſoul of a grown man to an inward and real impurity? How vain again was that law to impoſe tedious expiations for every ſlight ſin of ignorance and error, and to priviledge without penance or diſturbance an odious crime whether of ignorance or obſtinacie? How unjuſt alſo inflicting death and extirpation for the mark of circumſtantiall purenes omitted, and proclaiming all honeſt and liberall indemnity to the act of a ſubſtantiall impureneſſe committed, making void the cov'nant that was made againſt it. Thus if we conſider the tenor of the Law, to be circumcis'd and to perform all, not pardoning ſo much as the ſcapes of error and ignorance, and compare this with the condition of the Goſpel, beleeve and be baptiz'd; I ſuppoſe it cannot be long ere we grant that the Jew was bound as ſtrictly to the performance of every duty as was poſſible, and therfore could not be diſpenc't with more then the Chriſtians, perhaps not ſo much.

CHAP. VII.

That the Goſpel is apter to diſpence then the Law: Paræus *anſwered.*

IF then the Law will afford no reaſon why the Jew ſhould be more gently dealt with then the Chriſtian, then ſurely the Goſpel can afford as little why the Chriſtian ſhould be leſſe gently dealt with then the Jew. The Goſpel indeed exhorts to higheſt perfection, but bears with weakeſt infirmity more then the Law. Hence thoſe indulgencies, *All cannot receive this ſaying. Every man hath his proper gift*, with expreſſe charges not to *lay on yokes which our fathers could not bear.* The nature of man ſtill is as weak and yet as hard, and that weaknes and hardneſſe as unfit and as unteachable to be harſhly uſed as ever. But ſaith *Paræus*, there is a greater portion of Spirit powred upon the Goſpel, which requires from us perfecter obedience. I anſwer, This does not prove that the Law therefore might give allowance to ſin more then the Goſpel; and if it were no ſin, we know it the work of the Spirit to *mortifie our corrupt deſires and evill concupiſcence*; but not to root up

our naturall affections and disaffections moving to and fro even in wisest men upon just & necessary reasons which were the true ground of that *Mosaick* dispence, and is the utmost extent of our pleading. What is more or lesse perfect we dispute not, but what is sin or no sin; and in that I still affirm the Law required as perfect obedience as the Gospel: besides that the prime end of the Gospel is not so much to exact our obedience, as to reveal grace and the satisfaction of our disobedience. What is now exacted from us, it is the accusing Law that does it even yet under the Gospel; but cannot be more extreme to us now, then to the Jews of old: for the Law ever was of works, and the Gospel ever was of grace.

Either then the Law by harmlesse and needfull dispences which the Gospel is now made to deny, must have anticipated and exceeded the grace of the Gospel, or els must be found to have given politick and superficial graces without real pardon, saying in generall do this and live, and yet deceiving and damning under hand, with unsound and hollow permissions, which is utterly abhorring from the end of all Law, as hath bin shewed. But if those indulgences were safe and sinles out of tendernes and compassion, as indeed they were, and yet shall be abrogated by the Gospel, then the Law, whose end is by rigor to magnifie grace, shall it self give grace, and pluck a fair plume from the Gospel, instead of hasting us thither, alluring us from it. And wheras the terror of the Law was as a servant to amplifie and illustrat the mildnesse of grace; now the unmildnesse of Evangelick grace shall turn servant to declare the grace and mildnesse of the rigorous Law. The Law was harsh to extoll the grace of the Gospel, and now the Gospel by a new affected strictnes of her own, shall extenuate the grace which her self offers. For by exacting a duty which the Law dispenc,t, if we perform it, then is grace diminisht, by how much performance advances, unlesse the Apostle argue wrong: if we perform it not, and perish for not performing, then are the conditions of grace harder then those of rigor. If through Faith and Repentance we perish not, yet grace still remains the lesse, by requiring that which rigor did not require, or at least not so strictly. Thus much therfore to *Paræus*, that if the Gospel require perfecter obedience then the Law as a duty, it exalts the Law and debases it self, which is dishonourable to the work of our Redemption. Seeing therfore that all the causes of any allowance that the Jews might have, remain as well to the Christians, this is a certain rule, that so long

long as the cauſes remain the allovvance ought. And having thus at length enquired the truth concerning Lavv and diſpence, their ends, their uſes, their limits, and in vvhat manner both Jevv and Chriſtian ſtands liable to the one, or capable of the other, vve may ſafely conclude, that to affirm the giving of any lavv, or lavv-like diſpence to fin for hardnes of heart, is a doctrine of that extravagance from the ſage principles of piety, that vvhoſo conſiders throughly, cannot but admire, hovv this hath been digeſted all this vvhile.

CHAP. VIII.

The true ſence how Moſes *ſuffered divorce for hardneſſe of heart.*

VVHat may vve do then to ſalve this ſeeming inconſiſtence? I muſt not diſſemble that I am confident it can be done no other vvay then this.

Moſes Deut. 24. 1. eſtabliſht a grave and prudent Law, full of moral equity, full of due conſideration towards nature, that cannot be reſiſted; a Law conſenting with the Laws of wiſeſt men and civileſt Nations. That when a man hath maried a wife, if it come to paſſe he cannot love her by reaſon of ſome diſpleaſing natural quality or unfitnes in her, let him write her a bill of divorce. The intent of which law undoubtedly was this, that if any good & peaceable man ſhould diſcover ſome helples diſagreement or diſlike either of mind or body, wherby he could not cheerfully perform the duty of a husband without the perpetuall diſſembling of offence and diſturbance to his ſpirit, rather then to live uncomfortably and unhappily both to himſelf and to his wife, rather then to continue undertaking a duty which he could not poſſibly diſcharge, he might diſmiſſe her whom he could not tolerably and ſo not conſcionably retain. And this law the Spirit of God by the mouth of *Solomon*, Pro. 30. 21. 23. teſtifies to be a good and a neceſſary Law, by granting it that *a hated woman* (for ſo the Hebrew word ſignifies, rather then odious though it come all to one) *that a hated woman when ſhe is maried, is a thing that the earth cannot bear*. What follows then but that the charitable Law muſt remedy what nature cannot undergo. Now that many licentious and hard hearted men took hold of this law to cloak their bad purpoſes, is nothing ſtrange to beleeve. And theſe were they, not for whom *Moſes* made the Law, God forbid, but whoſe hardnes of heart taking ill advantage by this Law, he held it better to ſuffer as by accidents, where it could not be deteſted, rather then good men ſhould looſe their juſt

and

and lawfull priviledge of remedy: Christ therfore having to answer these tempting Pharises, according as his custom was, not meaning to inform their proud ignorance what *Moses* did in the true intent of the law, which they had ill cited, suppressing the true cause for which *Moses* gave it, and extending it to every slight matter, tels them their own, what *Moses* was forc't to suffer by their abuse of his Law. Which is yet more plain if we mark that our Saviour in *Matth.* 5. cites not the Law of *Moses*, but the Pharisaicall tradition fasly grounded upon that law. And in those other places, Chap. 19. and *Mark.* 10. the Pharises cite the Law, but conceal the wise and human reason there expresst; which our Saviour corrects not in them, whose pride deserv'd not his instruction, only returns them what is proper to them; *Moses for the hardnesse of your heart suffer'd you*, that is, such as you *to put away your wives*; and *to you he wrote this precept* for that cause, which (*to you*) must be read with an impression, and understood limitedly of such as cover'd ill purposes under that Law: and it was seasonable that they should hear their own unbounded licence rebukt, but not seasonable for them to hear a good mans requisit liberty explain'd. But us he hath taught better, if we have ears to hear. He himself acknowledg'd it to be a Law, *Mark* 10. and being a law of God, it must have an undoubted *end of charity, which may be us'd with a pure heart, a good conscience, and faith unfained*, as was heard: it cannot allow sin, but is purposely to resist sin, as by the same chap. to *Timothy* appears. There we learn also *that the Law is good, if a man use it lawfully*. Out of doubt then there must be a certain good in this Law which *Moses* willingly allow'd, and there might be an unlawfull use made therof by hypocrites; and that was it which *Moses* unwillingly suffer'd; foreseeing it in general, but not able to discern it in particulars. Christ therfore mentions not here what *Moses* and the Law intended: for good men might know that by many other rules: and the scornfull Pharises were not fit to be told, untill they could imploy that knowledge they had, lesse abusively. Only he acquaints them with what *Moses* by them was put to suffer.

CHAP. IX.

The words of the Institution how to be understood; and of our Saviours answer to his Disciples.

AND to entertain a little their overweening arrogance as best befitted, and to amaze them yet furder, because they thought it no hard matter to fulfill the Law, he draws them up to that unseparable institu-

institution which God ordain'd in the beginning before the fall, when man and woman were both perfect, and could have no cause to seperate: just as in the same Chap. he stands not to contend with the arrogant young man who boasted his observance of the whole Law, whether indeed he had kept it or not, but skrues him up higher to a task of that perfection, which no man is bound to imitate. And in like manner that pattern of the first institution he set before the opinionative Pharises to dazle them and not to bind us. For this is a solid rule, that every command giv'n with a reason, binds our obedience no otherwise then that reason holds. Of this sort was that command in *Eden*; *Therefore shall a man cleave to his wife, and they shall be one flesh*: which we see is no absolute command, but with an inference, *Therefore*: the reason then must be first consider'd, that our obedience be not mis-obedience. The first is, for it is not single, because the wife is to the husband *flesh of his flesh*, as in the verse going before. But this reason cannot be sufficient of it self; for why then should he for his wife leave his father and mother, with whom he is farre *more flesh of flesh and bone of bone* as being made of their substance. And besides it can be but a sorry and ignoble society of life, whose unseperable injunction depends meerly upon flesh and bones. Therefore we must look higher, since Christ himself recalls us to the beginning, and we shall finde that the primitive reason of never divorcing, was that sacred and not vain promise of God to remedy mans lonelines by *making him a meet help for him*, though not now in perfection, as at first; yet still in proportion as things now are. And this is repeated vers. 20. when all other creatures were fitly associated and brought to *Adam*, as if the divine power had bin in some care and deep thought, because *there was not yet found a help meet for man*. And can we so slightly depresse the all-wise purpose of a deliberating God, as if his consultation had produc't no other good for man but to joyn him with an accidentall companion of propagation, which his sudden word had already made for every beast? nay a farre lesse good to man it will be found, if she must at all aventures be fasten'd upon him individually. And therefore even plain sence and equity, and, which is above them both, the all-interpreting voice of Charity her selfe cries loud that this primitive reason, this consulted promise of God *to make meet help*, is the onely cause that gives authority to this command of not divorcing, to be a command. And it might be further added, that if the true definition of a wife were askt in good earnest, this clause being *a meet help* would shew it selfe

ſo neceſſary, and ſo eſſential in that demonſtrative argument, that it might be logically concluded: therefore ſhe who naturally and perpetually is no meet help, can be no wife; which cleerly takes away the difficulty of diſmiſſing ſuch a one. If this be not thought anough, I anſwer yet further, that mariage, unleſſe it mean a fit and tolerable mariage, is not inſeparable neither by nature nor inſtitution. Not by nature for then thoſe Moſaick divorces had bin againſt nature, if ſeparable and inſeparable be contraries, as who doubts they be: and what is againſt nature is againſt Law, if ſoundeſt Phyloſophy abuſe us not: by this reckoning *Moſes* ſhould be moſt unmoſaick, that is, moſt illegall, not to ſay moſt unnaturall. Nor is it inſeparable by the firſt inſtitution: for then no ſecond inſtitution in the ſame Law for ſo many cauſes could diſſolve it: it being moſt unworthy a human (as *Plato's* judgment is in the fourth booke of his Lawes) much more a divine Law-giver to write two ſeveral decrees upon the ſame thing. But what would *Plato* have deem'd if the one of theſe were good, the other evill to be done? Laſtly, ſuppoſe it bee inſeparable by inſtitution, yet in competition with higher things, as religion and charity in maineſt matters, and when the chiefe end is fruſtrate for which it was ordain'd, as hath been ſhown, if ſtill it muſt remain inſeparable it holds a ſtrange and lawleſſe propriety from all other works of God under heaven. From theſe many conſiderations we may ſafely gather, that ſo much of the firſt inſtitution as our Saviour mentions, for he mentions not all, was but to quell and put to non-plus the tempting Phariſes; and to lay open their ignorance and ſhallow underſtanding of the Scriptures. For, ſaith he, *have ye not read that he which made them at the beginning, made them male and female, and ſaid, for this cauſe ſhall a man cleave to his wife?* which theſe blind uſurpers of *Moſes* chaire could not gainſay: as if this ſingle reſpect of male and female were ſufficient againſt a thouſand inconveniences and miſchiefes, to clogge a rationall creature to his endleſſe ſorrow unrelinquiſhably, under the guilefull ſuperſcription of his intended ſolace and comfort. What if they had thus anſwer'd Maſter, if thou meane to make wedlock as inſeparable as it was from the beginning, let it be made alſo a fit ſociety, as God meant it, which we ſhall ſoone underſtand it ought to be, if thou recite the whole reaſon of the law. Doubtleſſe our Saviour had applauded their juſt anſwer. For then they had expounded this command of Paradiſe, even as *Moſes* himſelfe expounds it by his lawes of divorce, that is, with due and wiſe regard had to the premiſes and reaſons of the firſt com-

command, according to which, without unclean and temporizing permiſſions he inſtructs us in this imperfect ſtate what we may lawfully doe about divorce.

But if it be thought that the Deſciples offended at the rigour of Chriſts anſwer, could yet obtain no mitigation of the former ſentence pronounc't to the Phariſes, it may be fully anſwer'd, that our Saviour continues the ſame reply to his Diſciples, as men leaven'd with the ſame cuſtomary licence, which the Phariſes maintain'd, and diſpleas'd at the removing of a traditionall abuſe whereto they had ſo long not unwillingly bin us'd: it was no time then to contend with their ſlow an prejudiciall belief, in a thing wherein an ordinary meaſure of light in Scripture, with ſome attention might afterwards informe them well anough. And yet ere Chriſt had finiſht this argument, they might have pickt out of his own concluding words, an anſwer more to their minds, and in effect the ſame with that which hath been all this while entreating audience. *All men*, ſaid he, *cannot receive this ſaying ſave they to whom it is given, he that is able to receive it let him receive it.* What ſaying is this which is left to a mans choice to receive or not receive? What but the married life. Was our Saviour ſo mild and ſo favourable to the weakneſſe of a ſingle man, and is he turn'd on the ſudden ſo rigorous and inexorable to the diſtreſſes and extremities of an ill wedded man? Did hee ſo graciouſly give leave to change the better ſingle life for the worſe married life? Did he open ſo to us this hazardous and accidentall doore of marriage to ſhut upon us like the gate of death without retracting or returning, without permitting to change the worſt, moſt inſupportable, moſt unchriſtian miſchance of marriage for all the miſchiefes and ſorrowes that can enſue, being an ordinance which was eſpecially giv'n as a cordiall and exhilarating cup of ſolace the better to beare our other croſſes and afflictions? queſtionleſſe this were a hardheartedneſſe of undivorcing, worſe then that in the Jewes which they ſay extorted the allowance from *Moſes*, and is utterly diſſonant from all the Doctrine of our Saviour. After theſe conſiderations therefore to take a law out of Paradiſe giv'n in time of originall perfection, and to take it barely without thoſe juſt and equall inferences and reaſons which mainly eſtabliſh it. nor ſo much as admitting thoſe needfull and ſafe allowances wherewith *Moſes* himſelfe interprets it to the fa'n condition of man, argues nothing in us but raſhneſſe and contempt of thoſe meanes that God left us in his pure and chaſt Law, without which it will not be poſ-

sible for us to performe the strict imposition of this command: or if we strive beyond our strength, we shall strive to obay it otherwise then God commands it. And lamented experience daily teaches the bitter and vain fruits of this our presumption, forcing men in a thing wherein we are not able to judge either of their strength, or of their sufferance. Whom neither one vice or other by naturall addiction, but onely marriage ruins, which doubtlesse is not the fault of that ordinance, for God gave it as a blessing, nor alwayes of mans mis-choosing; it being an error above wisdome to prevent, as examples of wisest men so mistaken manifest: it is the fault therefore of a perverse opinion that will have it contin'd in despite of nature and reason, when indeed it was never truly joyn'd. All those expositers upon the fifth of *Mathew* confesse the Law of *Moses* to be the Law of the Lord, wherein no addition or diminution hath place; yet comming to the point of divorce; as if they fear'd not to be call'd least in the Kingdome of heav'n, any slight evasion will content them to reconcile those contradictions which they make betweene Christ and *Moses*, between Christ and Christ.

CHAP. X.

The vain shift of those who make the law of divorce to be onely the premisses of a succeeding law.

SOme will have it no Law, but the granted premisses of another Law following, contrary to the words of Christ, *Mark* 10. 5. and all other translations of gravest authority, who render it in form of a Law; agreeable to *Malach.* 2. 16. as it is most ancient and modernly expounded. Besides the bill of divorce and the particular occasion therein mention'd, declares it to bee orderly and legall. And what avails this to make the matter more righteous, if such an adulterous condition shall be mention'd to build a law upon without either punishment, or so much as forbidding; they pretend it is implicitly reprovd in these words *Deut.* 24. 4. *after she is defil'd*; but who sees not that this defilement is onely in respect of returning to her former husband after an intermixt marriage; els why was not the defiling condition first forbidd'n, which would have sav'd the labour of this after law; nor is it seemly or piously attributed to the justice of God and his known hatred of sinne, that such a hainous fault as this through all the Law, should be onely wip't with an implicit and oblique touch (which yet is falsly suppos'd) and that his peculiar

peculiar people ſhould he let wallow in adulterous marriages almoſt two thouſand yeares for want of a direct Law to prohibit them; 'tis rather to be confidently aſſum'd that this was granted to apparent neceſſities, as being of unqueſtionable right and reaſon in the Law of nature, in that it ſtill paſſes without inhibition, ev'n when greateſt cauſe is giv'n us to expect it ſhould be directly forbidd'n.

CHAP. XI.

The other ſhift of ſaying divorce was permitted by Law, but not approv'd. More of the inſtitution.

BUt it was not approv'd. So much the worſe that it was allow'd, as if ſin had over-matterd the word of God, to conform her ſteddy and ſtrait rule to ſins crookedneſſe, which is impoſſible. Beſides, what needed a poſitive grant of that which was not approv'd? it reſtrain'd no liberty to him that could but uſe a little fraud, it had bin better ſilenc't, unleſſe it were approv'd in ſome caſe or other. But ſtill it was not approv'd. Miſerable excuſers! He who doth evil that good may come thereby, approves not what he doth, and yet the grand rule forbids him, and counts *his damnation* juſt, if hee doe it. The Sorcereſſe *Medea* did not approve her owne evill doings, yet lookt not to be excus'd for that; and it is the conſtant opinion of *Plato Protagoras* and other of his dialogues agreeing with that proverbiall ſentence among the *Greekes*, that no *man is wicked willingly*: which alſo the *Peripatetick*s do rather diſtinguiſh then deny. What great thanke then if any man reputed wiſe and conſtant, will neither doe nor permit others under his charge to doe that which hee approves not, eſpecially in matter of ſinne. But for a Judge, but for a Magiſtrate and Shepheard of his people to ſurrender up his approbation againſt law and his own judgement to the obſtinacie of his heard, what more un-Judge-like more un-Magiſtrate-like, and in warre more un-commander-like? Twice in a ſhort time it was the undoing of the Romrn State, firſt when *Pompey*, next when *Marcus Brutus* had not magnanimity anough but to make ſo poore a reſignation of what they approv'd, to what the boiſterous Tribunes and Souldiers bawl'd for. Twice it was the ſaving of two the greateſt Common-wealths in the world, of *Athens* by *Themiſtocles* at the Sea fight of *Salamis*; of *Rome* by *Fabius Maximus* in the *Punick* warre, for that theſe two matchleſſe Generalls had the fortitude at home againſt the raſhnes and the clamours of their own Captaines and confederates to withſtand the doing or permitting of what they

could not approve in the duty of their great command. Thus farre of civill prudence. But when we ſpeake of ſinne, let us look again upon the old reverend *Eli*; who in his heavie puniſhment found no difference betweene the doing and permitting of what he did not approve. If hardneſſe of heart in the people may be any excuſe, why then is *Pilat* branded through all memory? Hee approv'd not what he did, he openly proteſted, he waſht his hands and laboured not a little, ere he would yeeld to the hard hearts of a whole people, both Princes and plebeians importuning and tumulting ev'n to the feare of a revolt. Yet is there any will undertake his cauſe? If therefore Pilat for ſuffering but one act of cruelty againſt law, though with much unwillingneſſe teſtify'd, at the violent demand of a whole Nation; ſhall ſtand ſo black upon record to all poſterity? Alas for *Moſes*! what ſhall we ſay for him, while we are taught to beleeve he ſuffer'd not one act onely both of cruelty and uncleanneſſe in one divorce, but made it a plain and laſting law againſt law whereby ten thouſand acts accounted both cruell and uncleane, might be dayly committed, and this without the leaſt ſuit or petition of the people that wee can read of.

And can we conceive without vile thoughts, that the Majeſty and holines of God could endure ſo many ages to gratifie a ſtubborne people in the practice of a foul polluting ſin, and could he expect they ſhould abſtaine, he not ſignifying his mind in a plaine command, at ſuch time eſpecially when he was framing their laws and them to all poſſible perfection? But they were to look back to the firſt inſtitution, nay rather why was not that individuall inſtitution brought out of Paradiſe, as was that of the Sabbath, and repeated in the body of the Law, that men might have underſtood it to be a command? for that any ſentence that beares the reſemblance of a precept, ſet there ſo out of place in another world at ſuch a diſtance from the whole Law, and not once mention'd there, ſhould be an obliging command to us, is very diſputable, and perhaps it might be deny'd to be a command without further diſpute: however, it commands not abſolutely, as hath bin clear'd, but onely with reference to that precedent promiſe of God, which is the very ground of his inſtitution; if that appeare not in ſome tolerable ſort, how can wee affirm ſuch a matrimony to be the ſame which God inſtituted. In ſuch an accident it will beſt behove our ſoberneſſe to follow rather what moral *Sinai* preſcribes equal to our ſtrength, then fondly to think within our ſtrength all that loſt Paradiſe relates.

CHAP.

CHAP. XII.

The third ſhift of them who eſteem it a meere judicial Law. Prov'd again to be a Law of moral equity.

ANother while it ſhall ſuffice them, that it was not a moral but a judicial Law, and ſo was abrogated. Nay rather not abrogated, becauſe judiciall: which Law the miniſtery of Chriſt came not to deal with. And who put it in mans power to exempt, where Chriſt ſpeaks in generall of not abrogating *the leaſt jot or tittle*, and in ſpecial not that of divorce, becauſe it follows among thoſe Laws, which he premis'd expreſly not to abrogate, but to vindicate from abuſive traditons: which is moſt evidently to be ſeen in the 16 of *Luke*, where this caution of not abrogating is inſerted immediatly, and not otherwiſe then purpoſely, when no other point of Law is toucht, but that of divorce. And if we mark the 31. verſe of *Mat.* the 5. he there cites not the Law of *Moſes*, but the licencious Gloſſe which traduc't the Law; that therefore which he cited, that he abrogated, and not only abrogated but diſallow'd and flatly condemn'd, which could not be the Law of *Moſes*; for that had bin foulely to the rebuke of his great ſervant. To abrogate a Law made with Gods allowance, had bin to tell us onely that ſuch a Law was now to ceaſe: but to refute it with an ignominious note of civilizing adultery, caſts the reproof, which was meant onely to the Phariſees, ev'n upon him what made the Law. But yet if that be judicial which belongs to a civill Court, this Law is leſſe judicial then nine of the ten Commandements; for antiquaries affirme that divorces proceeded among the Jews without knowledge of the Magiſtrate, only with hands and ſeales under the teſtimony of ſome Rabbies to be then preſent. *Perkins* in a *Treatiſe of Conſcience* grants, that what in the judicial Law is of common equity, binds alſo the Chriſtian. And how to judge of this, preſcribes 2 wayes. If wiſe Nations have enacted the like decree, Or if it maintain the good of family, Church or Common-wealth. This therefore is a pure moral *economical* Law, too haſtily imputed of tolerating ſin; being rather ſo cleere in nature and reaſon, that it was left to a mans own arbitrement to be determin'd between God and his own conſcience; not only among the Jews, but in every wiſe nation; the reſtraint wherof, who is not too thick ſighted, may ſee how hurtfull and diſtractive it is to the houſe, the Church and Common-wealth. And that power which Chriſt never tooke from the maſter of family, but rectify'd onely to a right and wary uſe at home; that power the undiſcerning

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Canonist hath improperly usurpt into his Court-leet, and bescribbl'd with a thousand trifling impertinencies, which yet have fill'd the life of man with serious trouble and calamity. Yet grant it were of old a judiciall Law, it need not be the lesse morall for that, being conversant, as it is, about vertue or vice. And our Saviour disputes not heer the judicature, for that was not his office, but the mortality of divorce, whether it be adultery or no; if therefore he touch the law of *Moses* at all, he touches the moral part thereof, which is absurd to imagine that the cov'nant of grace should reforme the exact and perfect law of works, eternall and immutable; or if he touch not the Law at all, then is not the allowance thereof disallow'd to us.

CHAP. XIII.

The ridiculous opinion that divorce was permitted from the custom in Ægypt. That Moses gave not this Law unwillingly. Perkins *confesses this Law was not abrogated.*

OThers are so ridiculous as to allege that this licence of divorcing was giv'n them because they were so accustom'd in Egypt. As if an ill custome were to be kept to all posterity; for the dispensation is both universall and of time unlimited, and so indeed no dispensation at all; for the over-dated dispensation of a thing unlawfull, serves for nothing but to increase hardnesse of heart, and makes men but wax more incorrigible, which were a great reproch to be said of any Law or allowance that God shou'd give us. In these opinions it would be more Religion to advise well, lest we make our selves juster then God, by censuring rashly that for sin which his unspotted Law without rebukes allowes, and his people without being conscious of displeasing him have us'd. And if we can thinke so of Moses, as that the Jewish obstinacy could compell him to write such impure permissions against the word of God and his owne judgement, doubtles it was his part to have protested publickly what straits he was driv'n to, and to have declar'd his conscience when he gave any Law against his mind; for the Law is the touch-stone of sinne and of conscience, must not be intermixt with corrupt indulgences; for then it looses the greatest praise it has, of being certain and infallible, not leading into error, as the Jewes were led by this connivence of Moses if it were a connivence. But still they fly back to the primitive institution, and would have us re-enter Paradise against the sword that guards it. Whom I again thus reply to, that the place in Genesis contains the description of a fit and perfect marriage, with

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an interdict of ever divorcing ſuch a union; but where nature is diſcover'd to have never joyn'd indeed, but vehemently ſeeks to part, it cannot be there conceiv'd that God forbids it; nay he commands it both in the Law and in the Prophet *Malachy*, which is to be our rule. And *Perkins* upon this chap. of *Matth.* deals plainly, that our Saviour heer confutes not *Moſes* Law, but the falſe gloſſes that deprav'd the Law; which being true, *Perkins* muſt needs grant, that ſomthing then is left to that law which Chriſt found no fault with; and what can that be but the conſcionable uſe of ſuch liberty as the plain words import? So that by his own inference, Chriſt did not abſolutely intend to reſtrain all divorces to the onely cauſe of adultery. This therefore is the true ſcope of our Saviours will, that he who looks upon the law concerning divorce, ſhould look alſo back upon the firſt inſtitution, that he may endeavour what is perfecteſt: and he that looks upon the inſtitution ſhould not refuſe as ſinfull and unlawfull thoſe allowances which God affords him in his following Law, leſt he make himſelf purer then his maker; and preſuming above ſtrength, ſlip into temptations irrecoverably. For this is wonderfull, that in all thoſe decrees concerning mariage, God ſhould never once mention the prime inſtitution to diſſwade them from divorcing; and that he ſhould forbid ſmaller ſins as oppoſite to the hardneſſe of their hearts, and let this adulterous matter of divorce paſſe ever unreproved.

This is alſo to be marvelled, that ſeeing Chriſt did not condemn whatever it was that *Moſes* ſuffered, and that therupon the Chriſtian Magiſtrate permits uſury and open ſtews, and here with us adultery to be ſo ſlightly puniſht, which was puniſht by death to theſe hard hearted Jews, why we ſhould ſtrain thus at the matter of divorce, which may ſtand ſo much with charity to permit, & make no ſcruple to allow uſury eſteem'd to be ſo much againſt charity. But this it is to embroile our ſelves againſt the righteous and all-wiſe Judgements and Statutes of God; which are not variable and contrarious, as we would make them, one while permitting and another while forbidding, but are moſt conſtant and moſt harmonious each to other. For how can the uncorrupt & majeſtick Law of God, bearing in her hand the wages of life and death, harbour ſuch a repugnance within her ſelf, as to require an unexempted and impartiall obedience to all her decrees, either from us or from our Mediator, and yet debaſe her ſelf to faulter ſo many ages with circumcis'd adulteries, by unclean and ſlubbering permiſſions.

CHAP. XIV.

That Beza's *opinion of regulating sin by apostolick law, cannot be sound.*

YEt *Beza's* opinion is that a politick Law, but what politick Law I know not, unlesse one of *Machiavel's*, may regulate sin; may bear indeed, I grant, with imperfection for a time, as those Canons of the Apostles did in ceremoniall things: but as for sin, the essence of it cannot consist with rule; and if the law fall to regulate sin, and not to take it utterly away, it necessarily confirms and establishes sin. To make a regularity of sin by law, either the law must straiten sin into no sin, or sin must crook the law into no law. The Judiciall law can serve to no other end then to be the protector and champion of Religion and honest civility, as is set down painly, *Rom.* 13. and is but the arm of morall law, which can no more be separate from justice then justice from vertue: their office also in a different manner steers the same cours; the one teaches what is good by precept, the other unteaches what is bad by punishment. But if we give way to politick dispensations of lewd uncleannesse, the first good consequence of such a relaxe will be the justifying of Papal stews, joyn'd with a toleration of epidemick whordom. Justice must revolt from the end of her authority, and become the patron of that wherof she was created the punisher. The example of usury which is commonly alleg'd, makes against the allegation which it brings, as I touch'd before. Besides that usury, so much as is permitted by the Magistrate, and demanded with common equity, is neither against the word of God, nor the rule of charity, as hath bin often discus't by men of eminent learning and judgement. There must be therefore some other example found out to shew us wherein civill policie may with warrant from God settle wickednes by law, and make that lawful which is lawlesse. Although I doubt not but upon deeper consideration, that which is true in Physick, will be found as true in policie: that as of bad pulses those that beat most in order, are much worse then those that keep the most inordinat circuit, so of popular vices those that may be committed legally, will be more pernicious then those that are left to their own cours at perill, not under a stinted priviledge to sin orderly and regularly, which is an implicit contradiction, but under due and fearlesse execution of punishment.

The politicall law, since it cannot regulate vice, is to restrain it, by using all means to root it out: but if it suffer the weed to grow up to any

any pleaſurable or contented height upon what pretext ſoever, it faſtens the root, it prunes and dreſſes vice, as if it were a good plant. Let no man doubt therfore to affirm that it is not ſo hurtfull or diſhonourable to a Common-wealth, nor ſo much to the hardning of hearts, when thoſe worſe faults pretended to be feard are committed, by who ſo dares under ſtrict and executed penalty, as when thoſe leſſe faults tolerated for fear of greater harden their faces, not their hearts only, under the protection of publick authority. For what leſſe indignity were this, then as if Juſtice her ſelf the Queen of vertues, deſcending from her ſcepter'd royalty, inſtead of conquering, ſhould compound and treat with ſin her eternall adverſary and rebell, upon ignoble terms. Or as if the judiciall Law were like that untruſty ſteward in the Goſpel, and inſtead of calling in the debts of his morall maſter, ſhould give out ſubtle and ſly acquittances to keep himſelf from begging. Or let us perſon him like ſome wretched itinerary Judge, who to gratifie his delinquents before him, would let them baſely break his head, leſt they ſhould pull him from the bench, and throw him over the barre. Unleſſe we had rather think both morall and judiciall full of malice and deadly purpoſe conſpir'd to let the debtor Iſraelite the ſeed of *Abraham* run on upon a banckrout ſcore, flattered with inſufficient and inſnaring diſcharges, that ſo he might be haled to a more cruell forfeit for all the indulgent arrears which thoſe judiciall acquitments had ingaged him in. No no, this cannot be, that the Law vvhoſe integritie and faithfulneſſe is next to God, ſhould be either the ſhameleſſe broker of our impunities, or the intended inſtrument of our deſtruction. The method of holy correction ſuch as became the Common-vvealth of *Iſrael*, is not to bribe ſin vvith ſin, to capitulate and hire out one crime vvith another: but vvith more noble and gracefull ſeverity then *Popilius* the *Roman legat* uſed vvith *Antiochus*, to limit and levell out the direct vvay from vice to vertue, vvith ſtraiteſt and exacteſt lines on either ſide, not vvinding, or indenting ſo much as to the right hand of fair pretences. Violence indeed and inſurrection may force the Lavv to ſuffer vvhat it cannot mend: but to vvrite a decree in allovvance of ſin as ſoon can the hand of Juſtice rot off. Let this be ever concluded as a truth that vvill outlive the faith of thoſe that ſeek to bear it dovvn.

CHAP. XV.

That divorce was not giv'n for wives only, as Beza *and* Paræus *write. More of the Institution.*

LAstly, if divorce were granted, as *Beza* and others say, not for men but to release afflicted wives; certainly it is not only a dispensation, but a most mercifull Law: and why it should not yet be in force, being wholly as needfull, I know not what can be in cause but senseless cruelty. But yet to say, divorce was granted for relief of wives, rather then of husbands, is but weakly conjectur'd, and is manifest the extreme shift of a huddl'd exposition. Whenas it could not be found how hardnesse of heart should be lessen'd by liberty of divorce, a fancy was devis'd to hide the flaw by commenting that divorce was permitted only for the help of wives. Palpably uxorious! Who can be ignorant that woman was created for man, and not man for woman; and that a husband may be injur'd as insufferably in mariage as a wife. What an injury is it after wedlock not to be belov'd, what to be slighted, what to be contended with in point of house-rule who shall be the head, not for any parity of wisdome, for that were something reasonable, but out of a female pride. *I suffer not* saith S. *Paul, the woman to usurp authority over the man.* If the Apostle could not suffer it, into what mould is he mortify'd that can? *Solomon* saith *that a bad wife is to her husband, as rott'nesse to his bones, a continuall dropping: better dwell in a corner of the house top, or in the wilderness* then with such a one. *Who so hideth her hideth the wind, and one of the foure mischiefs that the earth cannot bear.* If the Spirit of God wrote such aggravations as these, and as may be guest by these similitudes, counsels the man rather to divorce then to live with such a collegue, and yet on the other side expresses nothing of the wives suffering with a bad husband; is it not most likely that God in his Law had more pitty towards man thus wedlockt, then towards the woman that was created for another. The same Spirit relates to us the couns which the *Medes* and *Persians* took by occasion of *Vasthi*, whose meer denial to come at her husbands sending lost her the being Queen any longer, and set up a wholsom Law, *that every man should bear rule in his own house.* And the divine relater shews us not the least signe of disliking what was done; how should he? if *Moses* long before was nothing lesse mindfull of the honour and preeminence due to man. So that to say divorce was granted for woman rather then man, was but fondly invented.

Esteeming

Eſteeming therfore to have aſſerted thus an injur'd law of *Moſes* from the unwarranted and guilty name of a diſpenſation, to be again a moſt equall and requiſite law, we have the word of Chriſt himſelf, that he came not to alter the leaſt tittle of it; and ſignifies no ſmall diſpleaſure againſt him that ſhall teach to do ſo. On which relying, I ſhall not much waver to affirm, that thoſe words which are made to intimate, as if they forbad all divorce but for adultery (though *Moſes* have conſtituted otherwiſe) thoſe words tak'n circumſcriptly, without regard to any precedent law of *Moſes* or atteſtation of Chriſt himſelf, or without care to preſerve thoſe his fundamentall and ſuperior laws of nature and charity, to which all other ordinances give up their ſeal, are as much againſt plain equity, and the mercy of religion, as thoſe words of *Take, eat, this is my body*, elementally underſtood, are againſt nature and ſenſe.

And ſurely the reſtoring of this degraded law, hath well recompenc't the diligence was us'd, by enlightning us further to find out wherfore Chriſt took off the Phariſes from alleging the law, and referr'd them to the firſt inſtitution, not condemning, altring, or aboliſhing this precept of divorce, which is plainly moral, for that were againſt his truth, his promiſe, and his prophetick office; but knowing how fallaciouſly they had cited, and conceal'd the particular and naturall reaſon of the Law, that they might juſtifie any froward reaſon of their own, he lets go that ſophiſtry unconvinc't, for that had bin to teach them elſe, which his purpoſe was not. And ſince they had tak'n a liberty which the law gave not, he amuſes and repels their tempting pride with a perfection of Paradiſe, which the law requir'd not; not therby to oblige our performance to that wherto the law never enjoyn'd the fal'n eſtate of man; for if the firſt inſtitution muſt make wedlock whatever happen, inſeparable to us, it muſt make it alſo as perfect, as meetly helpfull, and as comfortable, as God promis'd it ſhould be, at leaſt in ſome degree; otherwiſe it is not equall or proportionable to the ſtrength of man, that he ſhould be reduc't into ſuch indiſſoluble bonds to his aſſigned miſery, if all the other conditions of that cov'nant be manifeſtly alter'd.

CHAP. XVI.

How to be underſtood that they muſt be one fleſh: and how that thoſe whom God hath joyn'd, man ſhould not ſunder.

NExt he ſaith, *they muſt be one fleſh*, to which, when all conjecturing is done, will be found to import no more but to make legitimate

and good the carnall act, which els might ſeem to have ſomthing of pollution in it: And inferrs thus much over, that the fit union of their ſouls be ſuch as may even incorporate them to love and amity; but that can never be where no correſpondence is of the minde; nay inſtead of being one fleſh, they will be rather two carkaſſes chain'd unnaturally together; or as it may happ'n, a living ſoul bound to a dead corps, a puniſhment too like that inflicted by the tyrant *Mezentius*; ſo little worthy to be receiv'd as that remedy of lonelineſſe which God meant us. Since we know it is not the joyning of another body will remove lonelineſſe, but the uniting of another compliable mind, and that it is no bleſſing but a torment, nay a baſe and brutiſh condition to be one fleſh, unleſſe where nature can in ſome nature fix a unity of diſpoſition. The meaning therefore of theſe words, *For this cauſe ſhall a man leave his father and his mother and ſhall cleave to his wife*, was firſt to ſhew us the deer affection which naturally grows in every not unnaturall mariage, ev'n to the leaving of parents, or other familiarity whatſoever: next, it juſtifies a man in ſo doing, that nothing is done undutifully to father or mother. But he that ſhould be here ſternly commanded to cleave to his error, a diſpoſition which to his he finds will never ciment a quotidian of ſorrow and diſcontent in his houſe, let us be excus'd to pauſe a little and bethink us every way round ere we lay ſuch a flat ſoleciſme upon the gracious, and certainly not inexorable, not ruſhleſſe and flinty ordinance of mariage. For if the meaning of theſe words muſt be thus blockt up within their own letters from all equity and fair deduction, they will ſerve then well indeed their turn, who affirm divorce to have been granted only for wives; whenas we ſee no word of this text binds women, but men only, what it binds. No marvell then if *Salomith* ſiſter to *Herod*, ſent a writ of eaſe to *Coſtobarus* her husband; which, as *Joſephus* there atteſts, was lawfull only to men. No marvell though *Placidia* the ſiſter of *Honorius* threat'n'd the like to Earl *Conſtantius*, for a triviall cauſe as *Photius* relates from *Olympiodorus*. No marvell any thing if letters muſt be turn'd into paliſadoes to ſtake out all requiſite ſenſe from entring to their due enlargement.

Laſtly, Chriſt himſelf tels who ſhould not be put aſunder, namely, thoſe whom God hath joyn'd. A plain ſolution of this great controverſie, if men would but uſe their eyes; for when is it that God may be ſaid to joyn, when the parties and their friends conſent? No ſurely, for that may concur to lewdeſt ends. Or is it when Churches rites

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are finiſht? Neither; for the efficacie of thoſe depends upon the preſuppoſed fitneſſe of either party. Perhaps, after carnall knowledge? Leaſt of all; for that may joyn perſons whom neither law nor nature dares joyn: 'tis left, that only then, when the minds are fitly diſpos'd, and enabl'd to maintain a cheerfull converſation, to the ſolace and love of each other, according as God intended and promis'd in the very firſt foundation of matrimony, *I will make him a help meet for him*; for ſurely what God intended and promis'd, that only can be thought to be his joyning, and not the contrary. So likewiſe the Apoſtle witneſſeth, 1 *Cor.* 7. 15. that in mariage *God hath call'd us to peace.* And doubtleſſe in what reſpect he hath call'd us to mariage, in that alſo he hath joyn'd us. The reſt whom either diſproportion or deadneſſe of ſpirit, or ſomthing diſtaſtfull and averſe in the immutable bent of nature renders conjugall, error may have joyn'd, but God never joyn'd againſt the meaning of his own ordinance. And if he joynd them not, then is there no power above their own conſent to hinder them from unjoyning, when they cannot reap the ſobreſt ends of being together in any tolerable ſort. Neither can it be ſaid properly that ſuch twain were ever divorc't, but onely parted from each other, as two perſons unconjunctive and unmariable together. But if, whom God hath made a fit help, forwardneſſe or private injuries hath made unfit, that being the ſecret of mariage God can better judge then man, neither is man indeed fit or able to decide this matter; however it be, undoubtedly a peacefull divorce is a leſſe evil, and leſſe in ſcandall then a hateful hardhearted and deſtructive continuance of mariage in the judgement of *Moſes* and of Chriſt, that juſtifies him in chuſing the leſſe evil, which if it were an honeſt and civill prudence in the law, what is there in the Goſpel forbidding ſuch a kind of legall wiſdom, though we ſhould admit the common Expoſiters.

CHAP. XVII.

The ſentence of Chriſt concerning divorce how to be expounded. What Grotius *hath obſerv'd. Other additions.*

HAving thus unfolded thoſe ambiguous reaſons, wherewith Chriſt, as his wont was, gave to the Phariſes that came to ſound him, ſuch an anſwer as they deſerv'd, it will not be uneaſie to explain the ſentence it ſelf now that follows; *Whoſoever ſhall put away his wife, except it be for fornication, and ſhall marry another, committeth adultery.* Firſt therfore I will ſet down what is obſerv'd by *Grotius* upon this

this point, a man of general learning. Next I produce what mine own thoughts gave me, before I had seen his annotations. *Origen*, saith he, notes that Christ nam'd adultery rather as one example of other like cases, then as one only exception. And that it is frequent, not only in humane but in divine Laws, to expresse one kind of fact, whereby other causes of like nature may have the like plea: as *Exod.* 21. 18, 19, 20. 26. *Deut.* 19. 5. And from the maxims of civil Law he shews that ev'n in sharpest penal laws, the same reason hath the same right: and in gentler Laws, that from like causes to like the Law interprets rightly. But it may be objected, saith he, that nothing destroys the end of wedlock so much as adultery. To which he answers, that matiage was not ordain'd only for copulation, but for mutuall help and comfort of life; and if we mark diligently the nature of our Saviours commands, we shall find that both their beginning and their end consists in charity: whose will is that we should so be good to others, as that we be not cruell to our selves. And hence it appears why *Marke*, and *Luke*, and S. *Paul* to the *Corin.* mentioning this precept of Christ, adde no exception: because exceptions that arise from naturall equity, are included silently under generall terms: it would be consider'd therfore whether the same equity may not have place in other cases lesse frequent. Thus farre he. From hence, is what I adde: first, that this saying of Christ, as it is usually expounded, can be no law at all, that a man for no cause should separate but for adultery, except it be a supernaturall law, not binding us as we now are had it bin the law of nature, either the Jews, or some other wise and civill nation would have prest it: or let it be so; yet that law *Deut.* 24. 1. whereby a man hath leave to part, when as for just and naturall cause discover'd he cannot love, is a law ancienter, and deeper ingrav'n in blameles nature then the other: therfore the inspired Law-giver *Moses* took care that this should be specified and allowed: the other he let vanish in silence, not once repeated in the volume of his law, even as the reason of it vanisht with Paradise. Secondly, this can be no new command, for the Gospel enjoyns no new morality, save only the infinit enlargement of charity, which in this respect is called the *new Commandement* by S. *John*; as being the accomplishment of every command. Thirdly, It is no command of perfection further then it partakes of charity, which is *the bond of perfection.* Those commands therfore which compell us to self cruelty above our strength, so hardly will help forward to perfection, that they hinder and set backward in all the

the common rudiments of Christianity, as was prov'd. It being thus clear, that the words of Christ can be no kind of command, as they are vulgarly tak'n, we shall now see in what sence they may be a command, and that an excellent one, the same with that of *Moses*, and no other. *Moses* had granted that onely for a natural annoyance, defect, or dislike, whether in body or mind (for so the Hebrew words plainly note) which a man could not force himselfe to live with, he might give a bill of divorce, thereby forbidding any other cause wherein amendment or reconciliation might have place. This Law the Pharises depraving, extended to any slight contentious cause whatsoever. Christ therefore seeing where they halted, urges the negative part of that law, which is necessarily understood (for the determinate permission of *Moses* binds them from further licence) and checking their supercilious drift, declares that no accidental, temporary, or reconcilable offence except fornication, can justifie a divorce, he touches not here those natural and perpetual hinderances of society, whether in body or in mind, which are not to be remov'd for such, as they are apteſt to cause an unchangeable offence, so are they not capable of reconcilement because not of amendment; they doe not break indeed, but they annihilate the bands of mariage more then adultery. For that fault committed argues not always a hatred either natural or *indicental* against whom it is committed; neither does it inferre a disability of future helpfulnesse, or loyalty, or loving agreement, being once paſt, and pardon'd, where it can be pardon'd: but that which naturally distastes and *findes no fewell in the eyes* of matrimony, can never be conceiv'd, never appeas'd, never intermitted but proves a perpetuall nullity of love and contentment, a solitude, and dead vacation of all acceptable conversing. *Moses* therefore permits divorce, but in cases onely that have no hands to joyn, and more need separating, then adultery. Christ forbids it, but in matters onely that may accord, and those lesse then fornication. Thus is *Moses* Law here plainly confirm'd, and those causes which he permitted, not a jot gainsaid. And that this is the true meaning of this place, I prove by no other an Author then S. *Paul* himselfe. 1 *Cor.* 7. 10, 11. upon which text Interpreters agree that the Apostle onely repeats the precept of Christ where while he speaks of *the wives reconcilement to her husband* he puts it out of controversie that our Saviour meant chiefly matters of strife and reconcilement: of which sort he would not that any difference should be the occasion of divorce, except fornication. And that we may learn better how to value

a grave and prudent law of *Moses*, and how unadvisedly we smatter with our lips, when we talk of Christs abolishing any Judiciall law of his great Father, except in some circumstances which are Judaicall rather then Judicial, and need no abolishing but cease of themselvs, I say again, that this recited law of *Moses* contains a cause of divorce greater beyond compare then that for adultery; and who so cannot so conceive it, errs and wrongs exceedingly a law of deep wisdome for want of well sadoming. For let him mark no man urges the just divorcing of adultery, as it is a sin, but as it is an injury to mariage; and though it be but once committed, and that without malice, whether through importunity or opportunity, the Gospel does not therefore disswade him who would therefore divorce; but that naturall hatred when ever it arises, is a greater evil in mariage, then the accident of adultery, a greater defrauding, a greater injustice, and yet not blameable, he who understands not after all this representing, I doubt his will like a hard spleen draws faster then his understanding can well sanguifie. Nor did that man ever know or feel what it is to love truly, nor ever yet comprehend in his thoughts what the true intent of marriage is. And this also will be somewhat above his reach, but yet no lesse a truth for lack of his perspective, that as no man apprehends what vice is, so well as he who is truly vertuous; no man knows he'll like him who converses most in heav'n, so there is none that can estimate the evil and the affliction of a naturall hatred in matrimony, unlesse he have a soul gentle anough and spacious anough to contemplate what is true love.

And the reason why men so disesteeme this wise judging Law of God, and count hate, or *the not finding of favour*, as it is there term'd, a humorous, a dishonest, and slight cause of divorce, is because themselves apprehend so little of what true concord meanes: for if they did, they would be juster in their ballanting between natural hatred and casuall adultery; this being but a transient injury, and soone amended, I mean as to the party against whom the trespasse is: but that other being an unspeakable and unremitting sorrow and offence whereof no amends can be made, no cure, no ceasing but by divorce, which like a divine touch in one moment heals all; and like the word of God, in one instant hushes outrageous tempest into a sudden stilnesse and peacefull calm. Yet all this so great a good of Gods own enlarging to us, is by the hard rains of them that fit us. wholly diverted and imbezzl'd from us. Maligners of mankind! But who hath taught you to mangle thus, and make more gashes in

the nuisance of a blameless creature, with the leaden daggers of your literall decrees, to whose ease you cannot adde the ruthe of one small atome, but by letting alone your unhelpfull Surgery. As for such as thinke wandring concupiscence to bee here newly and more precisely forbidd'n, then it was before, if the Apostle can convince them; we know that we are to *know lust by the law*, and not by any new discovery of the Gospel. The Law of *Moses* knew what it permitted, and the Gospel knew what it forbid; hee that under a peevish conceit of debarring concupiscence, shall goe about to make a novice of *Moses*, (not to say a worse thing for reverence sake) and such a one of God himselfe, as is a horror to think, to bind our Saviour in the default of a down-right promise breaking, and to bind the disunions of complaining nature in chains together, and curb them with a canon bit, tis he that commits all the whoredome and adultery, which himselfe adjudges, besides the former guilt so manifold that lies upon him. And if none of these considerations with all their wait and gravity, can avail to the dispossessing him of his pretious literalism, let some one or other entreat him but to read on in the same 19 of *Matth.* till he come to that place that sayes *Some make themselves Eunuchs for the Kingdom of heavens sake.* And if then he please to make use of *Origens* knife, he may doe well to be his own carver.

CHAP. XVIII.

Whether the word of our Saviour be rightly expounded only of actual fornicatiō to be the cause of divorce. The opinion of Grotius *with other reasons.*

But because we know that Christ never gave a Judiciall Law, and that the word *fornication* is variously significant in Scripture, it will be much right done to our Saviours words, to consider diligently, whether it be meant heere that nothing but actual fornication, prov'd by witnes, can warrant a divorce, for so our canon law judges. Nevertheless as I find that *Grotius* on this place hath observ'd, the Christian Emperours *Theodosius* the second, and *Justinian*, men of high wisdome and reputed piety, decreed it to be a divorsive fornication, if the wife attempted either against the knowledge, or obstinately against the will of her husband, such things as gave open suspition of adulterizing: as the wilfull haunting of feast, and invitations with men not of her neer kindred, the lying forth of her house without probable cause, the frequenting of Theaters against her husbands mind, her endeavour to prevent or destroy conception. Hence that of *Ierom*, *Where fornication is suspected, the wife may lawfully*

be divorc't, not that every motion of a jealous mind should be regarded, but that it should not be exacted to prove all things by the visibility of Law-witnessing, or els to hood-wink the mind: for the law is not able to judge of these things but by the rule of equity, and by permitting a wise man to walke the middle way of prudent circumspection, neither wretchedly jealous, nor stupidly and tamely patient. To this purpose hath *Grotius* in his notes. He shews also that fornication is tak'n in Scripture for such a continual headstrong behaviour, as tends to plain contempt of the husband: and proves it out of *Judges* 19. 2. where the Levites wife is said to have plaid the whoore against him; which *Josephus* and the *Septuagint*, with the *Chaldæus*, interpret onely of stubbornesse and rebellion against her husband: and to this I adde that *Kimchi* and the two other Rabbies who glosse the text, are in the same opinion, *Ben Gersom* reasons, that had it bin whoordome, a Jew and a Levite would have disdain'd to fetch her again. And this I shall contribute, that had it beene whoordome, she would have chosen any other place to run to, then to her fathers house, it being so infamous for an Hebrew woman to play the harlot, and so opprobrious to the parents. Fornication then in this place of the *Judges* is understood for stubborn disobedience against the husband and not for adultery. A sin of that sudden activity as to be already committed, when no more is done, but onely look't unchastly: which yet I would be loath to judge worthy a divorce, though in our Saviours language it be call'd adultery. Nevertheless when palpable and frequent signes are giv'n, the law of God, *Numb.* 5. so far gave way to the jealousie of a man, as that the woman set before the sanctuary with her head uncover'd, was adjur'd by the Priest to swear whether she were false or no; and constrain'd to drink that *bitter water* with an undoubted *curse of rottennesse and tympany* to follow, unlesse she were innocent. And the jealous man had not bin guiltlesse before God, as seems by the last verse, if having such a *suspition in his head*, hee should neglect his trial, which if to this day it be not to be us'd, or be thought as uncertaine of effect, as our antiquated law of *Ordalium*, yet all equity will judge that many adulterous demeanours which are of lewd suspition and example, may be held sufficient to incurre a divorce, though the act it selfe hath not been prov'd. And seeing the generosity of our Nation is so, as to account no reproach more abominable, then to bee nick-nam'd the husband of an adultresse, that our law should not be as ample as the Law of God to vindicate a man from that ignoble

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sufferance, is our barbarous unskilfulnesse, not considering that the law should be exasperated according to our estimation of the injury. And if it must be suffer'd till the act be visibly prov'd, *Salomon* himselfe whose judgement will be granted to surpasse the acutenesse of any Canonist, confesses, *Pro.* 30. 19. 20. that for the act of adultery it is as difficult to be found as the *track of an Eagle in the aire, or the way of a ship in the Sea*: so that a man may be put to unmanly indignities, ere it be found out. This therefore may bee enough to inform us, that divorsive adultery is not limited by our Saviour to the utmost act, and that to be attested alwayes by eye witnesse, but may bee extended also to divers obvious actions, which either plainly lead to adultery, or give such presumption, whereby sensible men may suspect the deed to be already done. And this the rather may bee thought, in that our Saviour chose to use the word *Fornication*, which word is found to signifie other matrimoniall transgressions of main breach to that cov'nant besides actuall adultery. For that sinne needed not the riddance of divorce, but of death by the Law, which was active ev'n till then by the example of the woman tak'n in adultery; or if the Law had been dormant, our Saviour was more likely to have told them of their neglect, then to have let a capitall crime silently scape into a divorce: or if it be said his businesse was not to tell them what was criminall in the civill Courts, but what was sinfull at the barre of conscience, how dare they then having no other ground then these our Saviours words, draw that into triall of Law, which both *Moses* and our Saviour was left to the jurisdiction of conscience? But wee take from our Saviour, say they, onely that it was adultery and our Law of it selfe applies the punishment. But by their leave that so argue, the great Law-giver of all the world who knew best what was adultery both to the Jew and to the Gentile appointed no such applying, and never likes when mortal men will be vainly presuming to out-strip his justice.

CHAP. XIX.

Christs manner of teaching. S. Paul addes to this matter of divorce without command to shew the matter to be of equity, not of rigor. That the bondage of a Christian may be as much, and in peace as little in some other marriages besides idolatrous: If those arguments therfore be good in that one case, why not in those other therefore the Apostle himself adds,

THus at length wee see both by this and by other places, that there is scarce any one saying in the Gospel, but must bee read with limitations and distinctions, to bee rightly understood;

for Christ gives no full comments or continued discourses, but as *Demetrius* the Rhetoritian phrases it, speakes oft in Monosyllables, like a maister scattering the heavenly grain of his doctrine like pearl heere and there, which requires a skilfull and laborious gatherer, who must compare the words he findes, with other precepts, with the end of every ordinance, and with the generall *analogie* of Evangelick doctrine: otherwise many particular sayings would bee but strange repugnant riddles; and the Church would offend in granting divorce for frigidity, which is not here accepted with adultery, but by them added. And this was it undoubtedly which gave reason to S. *Paul* of his own authority, as hee professes, and without command from the Lord, to enlarge the seeming construction of those places in the Gospell, by adding a case wherein a person deserted, which is somthing lesse then divorc't, may lawfully marry again. And having declar'd his opinion in one case, he leaves a further liberty for Christian prudence to determine in cases of like importance; using words so plain as are not to be shifted off, *that a brother or a sister is not under bondage in such cases*, adding also, that *God hath call'd us to peace* in marriage.

Now if it be plain that a Christian may be brought into unworthy *bondage*, and his religious *peace* not onely interrupted now and then, but perpetually and finally hinder'd in wedlock by mis-yoking with a diversity of nature as well as of religion, the reasons of S. *Paul* cannot be made speciall to that one case of infidelity, but are of equal moment to a divorce, where ever Christian liberty and peace are without fault equally obstructed. That the ordinance which God gave to our comfort, may not be pinn'd upon us to our undeserved thraldom, to be crept up as it were in mockery of wedlock, to a perpetual betrothed lonelines and discontent, if nothing worse ensue. There being nought els of marriage left heerein such but a displeasing and forc't remedy against the sting of a brutish lust, which fleshly accustoming without the soules union and commixture of intellectuall delight, as it is rather a soiling then a fulfilling of marriage-rites; so is it enough to abate the mettle of a generous Spirit, and sinks him to a low and vulgar pitch of endeavour in all his actions, or, which is worse, leaves him in a dispairing plight of objects & hard'd thoughts: which condition rather then a good man should fall into, a man usefull in the service of God and mankind, Christ himselfe hath taught us to dispence with the most sacred ordinance of his worship, ever for a bodily healing to dispence with that holy and speculative rest

of

of Sabbath, much more then with the erroneous observance of an ill knotted mariage, for the sustaining of an overcharg'd faith and perseverance.

CHAP. XX.

The meaning of S. Paul, that Charity beleeveth all things. What is to be said to the licence which is vainly fear'd will grow hereby. What to those who never have don prescribing patience in that case. The Papist most severe against divorce, yet most easie to all licence. Of all the miseries in mariage God is to be clear'd, and the fault to be laid on man unjust laws.

AND though bad causes would take licence by this pretext, if that cannot be remedied, upon their conscience be it, who shall so doe. This was that hardnesse of heart, and abuse of a good law which *Moses* was content to suffer, rather then good men should not have it at all to use needfully. And he who to run after one lost sheep, left ninety nine of his own flock at randome in the wildernes, would little perplex his thought for the obduring of nine hunder'd, and ninety such as will dayly take worse liberties, whether they have permission or not. To conclude, as without charity God hath giv'n no commandment to men, so without it, neither can men rightly beleeve any commandment giv'n. For every act of true faith, as well that whereby we beleeve the law, as that whereby wee endeavour the law, is wrought in us by charity, according to that in the divine hymne of St. *Paul*, 1 *Cor.* 13. *Charity beleeveth all things*: not as if she were so credulous, which is the exposition hitherto current, for that were a trivial praise, but to teach us that charity is the high governesse of our beleefe, and that we cannot safely assent to any precept writt'n in the Bible, but as charity commands it to us. Which agrees with that of the same Apostle to the *Ephes.* 4. 14. 15. where he tells us that the way to get a sure undoubted knowledge of things, is to hold that for truth, which accords most with charity. Whose unerring guidance and conduct having follow'd as a load-starre with all diligence and fidelity in this question, I trust, through the help of that illuminating Spirit which hath favour'd me, to have done no every dayes worke, in asserting after many ages the words of Christ with other Scriptures of great concernment from burdensome and remorsles obscurity, tangl'd with manifold repugnances, to their native lustre and consent betweene each other: hereby also dissolving tedious and *Gordian* difficulties, which have hitherto molested the Church of God, and are now decided not with the sword of *Alexander*, but

with

with the immaculate hands of charity, to the unspeakable good of Christendome. And let the extreme literalist sit down now and revolve whether this in all necessity be not the due result of our Saviour swords: or if he persist to be otherwise opinion'd, let him well advise, lest thinking to gripe fast the Gospel, he be found in stead with the canon law in his fist: whose boisterous edicts tyrannizing the blessed ordinance of marriage into the quality of a most unnatural and unchristianly yoke, have giv'n the flesh this advantage to hate it, and turn aside, oft times unwillingly, to all dissolute uncleannesse, even till punishment it selfe is weary, and overcome by the incredible frequency of trading lust, and uncontroull'd adulteries. Yet men whose Creed is custome, I doubt not but will be still endeavouring to hide the sloth of their own timerous capacities with this pretext, that for all this tis better to indure with patience and silence this affliction which God hath sent. And I agree tis true; if this be exhorted and not enjoyn'd; but withall it will be wisely done to be as sure as may be, that what mans iniquity hath laid on, be not imputed to Gods sending, least under the colour of an affected patience we detaine our selves at the gulphs mouth of many hideous temptations, not to be withstood without proper gifts, which, as *Perkins* well notes, God gives not ordinarily, no not to most earnest prayers. Therefore we pray, *Lead us not into temptation*, a vain prayer, if having led our selves thither, we love to stay in that perilous condition. God sends remedies, as well as evills; under which he who lies and groans, that may lawfully acquit himselfe, is accessory to his own ruin; nor will it excuse him, though he suffer through a sluggish fearfulnesse to search throughly what is lawfull, for feare of disquieting of a secure falsity of an old opinion. Who doubts not but that it may be piously said, to him who would dismisse frigidity, bear your trial, take it, as if God would have you live this life of continence: if he exhort this, I heare him as an Angell, though he speak without warrant: but if he would compell me, I know him for Satan. To him who divorces an adulteresse, Piety might say; Pardon her; you may shew much mercy, you may win a soul: yet the law both of God and man leaves it freely to him. For God loves not to plow our the heare of our endeavours with over-hard and sad tasks. God delights not to make a drudge of vertue, whose actions must be all elective and unconstraind. Force't *vertue* is as *abolt* overshot it goes neither forward nor backward, and does no good as it stands. Seeing therefore that neither Scripture nor reason hath laid this unjust

juſt auſterity upon divorce, we may reſolve that nothing elſe hath wrought it, but that letter-bound ſervility of the Canon Doctors, ſuppoſing mariage to be a Sacrament, and out of the ayre they have to lay unneceſſary burdens upon all men, to make a fair ſhew in the fleſhly obſervance of matrimony, though peace and love with all other conjugall reſpects fare never ſo ill. And indeed the Papiſts who are the ſtricteſt forbidders of divorce, are the eaſieſt libertines to admit of groſſeſt uncleanneſſe; as if they had a deſigne by making wedlock a ſupperleſſe yoke, to violate it moſt, under colour of preſerving it moſt inviolable: and withall delighting, as their myſtery is, to make men the day-labourers of their own afflictions, as if there were ſuch a ſcarcity of miſeries from abroad, that we ſhould be made to melt our choiceſt home bleſſings, and coin them into croſſes, for want whereby to hold commerce with patience. If any therefore who ſhall hap to read this diſcourſe, hath been through miſadventure ill ingag'd in this contracted evill here complain'd of, and finds the fits and workings of a high impatience frequently upon him, of all thoſe wild words which men in miſery think to eaſe themſelves by uttering, let him not op'n his lips againſt the providence of heav'n, or taxe the wayes of God and his divine truth: for they are equall, eaſie, and not burdenſome; nor do they ever croſſe the juſt and reaſonable deſires of men, nor involve this our portion of mortall life, into a neceſſity of ſadneſſe and malecontent, by laws commanding over the unreducible *antipathies* of nature ſooner or later found: but allow us to remedy and ſhake off thoſe evils into which humane error hath led us through the midſt of our beſt intentions; and to ſupport our incident extremities by that authentick precept of ſoveran charity; whoſe grand commiſſion is to do and to diſpoſe over all the ordinances of God to man; that love and truth may advance each other to everlaſting. While we literally ſuperſtious through cuſtomary faintneſſe of heart, not venturing to pierce with our free thoughts into the full latitude of nature and religion, abandon our ſelves to ſerve under the tyranny of uſurpt opinions, ſuffering thoſe ordinances which were allotted to our ſolace and reviving, to trample over us and hale us into a multitude of ſorrows which God never meane us. And where he ſee us in a fair allowance of way, with honeſt liberty and prudence to our guard, we never leave ſubtilizing and caſuiſting till we have ſtrain'd and par'd that liberall path into a razors edge to walk on, between a precipice of unneceſſary miſchief on either ſide: and ſtarting at every falſe

Alarum, we do not know which way to set a foot forward with manly confidence and Christian resolution, through the confused ringing in our eares of *panick* scruples and amazements.

CHAP. XXI.

That the matter of divorce is not to be try'd by Law, but by Conscience, as many other sins are. The Magistrate can only see that the condition of divorce be just and equall. The opinion of Fagius, and the reasons of this assertion.

ANother act of papall encroachment it was, to pluck the power and arbitrement of divorce from the master of family, into whose hands God and the Law of all Nations had put it, and Christ so left it, preaching onely to the conscience, and not authorizing a judiciall Court to rake about and divulge the unaccountable and secret reasons of disaffection between man and wife, as a thing most improperly answerable to any such kind of triall. But the Popes of *Rome* perceiving the great revenue and high authority it would give them ev'n over Princes, to have the judging and deciding of such a main consequence in the life of man as was divorce, wrought so upon the superstition of those ages, as to divest them of that right which God from the beginning had entrusted to the husband: by which means they subjected that ancient and naturally domestick prerogative to an externall and unbefitting Judicature. For although differences in divorce about Dowries, Jointures, and the like, besides the punishing of adultery, ought not to passe without referring, if need be, to the Magistrate, yet that the absolute and finall hindring of divorce cannot belong to any civill or earthly power, against the will and consent of both parties, or of the husband alone, some reasons will be here urg'd as shall not need to decline the touch. But first I shal recite what hath bin already yeilded by others in favour of this opinion. *Grotius* and many more agree that notwithstanding what Christ spake therin to the conscience, the Magistrate is not therby enjoyn'd ought against the preservation of civill peace, of equity, and of convenience. Among these *Fagius* is most remarkable, and gives the same liberty of pronouncing divorce to the Christian Magistrate, as the Mosaick had. *For whatever* saith he, *Christ spake to the regenerate, the Judge hath to deal with the vulgar: if therfore any through hardnesse of heart will not be a tolerable wife or husband, it will be lawfull as well now as of old to passe the bill of divorce, not by privat, but by publick authority. Nor doth man separate them then, but God by his law of divorce giv'n by* Moses. *What can hinder the*

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Magiſtrate from ſo doing, to whoſe government all outward things are ſubject, to ſeparate and remove from perpetuall vexation and no ſmall danger, thoſe bodies whoſe minds are already ſeparate: it being his office to procure peaceable and convenient living in the Common-wealth; and being as certain alſo, that they ſo neceſſarily ſeparated cannot all receive a ſingle life. And this I obſerve that our Divines do generally condemn ſeparation of bed and board, without the liberty of ſecond choice: if that therfore in ſome caſes be moſt purely neceſſary, as who ſo blockiſh to deny, then is this alſo as needfull. Thus far by others is already well ſtept, to inform us that divorce is not a matter of *Law* but of Charity: if there remain a furlong yet to end the queſtion, theſe following reaſons may ſerve to gain it with any apprehenſion not too unlearned, or too wayward. Firſt becauſe ofttimes the cauſes of ſeeking divorce reſide ſo deeply in the radicall and innocent affections of nature, as is not within the diocefe of Law to tamper with. Other relations may aptly anough be held togeather by a civil and vertuous love. But the duties of man and wife are ſuch as are chiefly converſant in that love, which is moſt ancient and meerly naturall; whoſe two prime ſtatutes are to joyn it ſelf to that which is good and acceptable and friendly; and to turn aſide and depart from what is diſagreeable, diſpleaſing and unlike: of the two this latter is the ſtrongeſt, and moſt equall to be regarded: for although a man may often be unjuſt in ſeeking that which he loves, yet he can never be unjuſt or blamable in retiring from his endleſſe trouble and diſtaſt, whenas his tarrying can redound to no true content on either ſide. Hate is of all things the mightieſt divider, nay, is diviſion it ſelf. To couple hatred therfore, though wedlock try all her golden links, and borrow to her aid all the iron manacles and fetters of Law, it does but ſeek to twiſt a rope of ſand, which was a task, they ſay, that pos'd the divell. And that ſluggiſh feind in hell *Ocnus*, whom the Poems tell of, brought his idle cordage to as good effect, which never ſerv'd to bind with, but to feed the Aſſe that ſtood at his elbow. And that the reſtrictive Law againſt divorce, attains as little to bind any thing truly in a diſjoynted mariage, or to keep it bound, but ſerves only to feed the ignorance, and definitive impertinence of a doltiſh Canon, were no abſurd alluſion. To hinder therfore thoſe deep and ſerious regreſſes of nature in a reaſonable ſoul parting from that miſtak'n help which he juſtly ſeeks in a perſon created for him, recollecting himſelf from an unmeet help which was never meant, and to detain him by compulſion in ſuch a unpredeſtin'd miſery

fery at this, is in diameter against both nature and institution: but to interpose a jurisdictive power over the inward and irremediable disposition of man, to command love and sympathy, to forbid dislike against the guiltles instinct of nature, is not within the Province of any Law to reach, and were indeed an uncommodious rudeneſſe, not a juſt power: for that Law may bandy with nature, and traverſe her ſage motions, was an error in *Callicles* the Rhetorician, whom *Socrates* from high principles confutes in *Plato's Gorgias*. If therfore divorce may be ſo natural, and that Law and Nature are not to go contrary, then to forbid divorce compulſively, is not onely againſt nature, but againſt law.

Next it muſt be remember'd that all law is for ſome good that may be frequently attain'd, without the admixture of a worſe inconvenience; and therfore many groſſe faults, as ingratitude and the like, which are too far within the ſoul, to be cur'd by conſtraint of law, are left only to be wrought on by conſcience and perſwaſion. Which made *Ariſtotle* in the 10th of his *Ethicks* to *Nicomachus*, aim at a kind of diviſion of law into private or perſwaſive, and publick or cumpulſive. Hence it is that the law forbidding divorce, never attains to any good end of ſuch prohibition, but rather multiplies evill. For if nature's reſiſtleſſe ſway in love or hate be once compell'd, it grows careleſſe of it ſelf, vitious, uſeleſſe to friend, unſerviceable and ſpiritleſſe to the Common-wealth. Which *Moſes* rightly foreſaw, and all wiſe Law-givers that ever knew man, what kind of creature he was. The Parliament alſo and Clergy of England were not ignorant of this, when they conſented that *Henry* the 8th might put away his Queen *Anne* of *Cleve*, whom he could not like after he had been wedded half a yeer; unleſſe it were that contrary to the proverb, they made a neceſſity of that which might have been a vertue in them to do. For ev'n the freedome and eminence of mans creation gives him to be a Law in this matter to himſelf, being the head of the other Sex which was made for him: whom therfore though he ought not to injure, yet neither ſhould he be forc't to retain in ſociety to his own overthrow, nor to hear any judge therin above himſelf. It being alſo an unſeemly affront to the ſequeſtr'd and vail'd modeſty of that ſex, to have her unpleaſingneſſe and other concealments bandied up and down, and aggravated in open Court by thoſe hir'd maſters of tongue-fence. Such uncomely exigences it befell no leſſe a Majeſty then *Henry* the eighth to be reduc't to; who finding juſt reaſon in his conſcience to forgo his

his brothers wife, after many indignities of being deluded, and made a boy of by those his two Cardinall Judges, was constrain'd at last for want of other proof that she had been carnally known by Prince *Arthur*, ev'n to uncover the nakednesse of that vertuous Lady, and to recite openly the obscene evidence of his brothers Chamberlain. Yet it pleas'd God to make him see all the tyranny of *Rome*, by discovering this which they exercis'd over divorce; and to make him the beginner of a reformation to this whole Kingdom by first asserting into his *familiary* power the right of just divorce. Tis true, an adultresse cannot be sham'd anough by any publick proceeding: but that woman whose honour is not appeach't, is lesse injur'd by a silent dismission, being otherwise not illiberally dealt with, then to endure a clamouring debate of utterlesse things, in a busines of that civill secrecy and difficult discerning, as not to be over-much question'd by neerest friends. Which drew that answer from the greatest and worthiest *Roman* of his time *Paulus Emilius*, being demanded why he would put away his wife for no visible reason, *This Shoo*, said he, and held it out on his foot, *it a neat shoo, a new shoo, and yet none of you know where it wrings me*: much lesse by the unfamiliar cognisance of a fee'd gamester can such a private difference be examin'd, neither ought it.

Again, if Law aim at the firm establishment and preservation of matrimonial faith, we know that cannot thrive under violent means, but is the more violated. It is not when two unfortunately met are by the Canon forc't to draw in that yoke an unmercifull dayes work of sorrow till death unharnesse'em, that then the Law keeps mariage most unviolated and unbrok'n: but when the Law takes order that mariage be acountant and responsible to perform that society, whether it be religious, civill, or corporall, which may be conscionably requir'd and claim'd therin, or else to be dissolv'd if it cannot be undergone: This is to make mariage most indissoluble, by making it a just and equall dealer, a performer of those due helps which instituted the covnant, being otherwise a most unjust contract, and no more to be maintain'd under tuition of law, then the vilest fraud, or cheat, or theft that may be committed. But because this is such a secret kind of fraud or theft, as cannot be discern'd by law, but only by the plaintife himself, therfore to divorce was never counted a politicall or civill offence neither to *Jew* nor *Gentile*, nor by any judiciall intendment of Christ, further then could be discern'd to transgresse the allowance of *Moses*, which was of necessity so large, that it doth all one as if it

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ſent back the matter undeterminable at law, & intractable by rough dealing, to have inſtructions and admonitions beſtow'd about it by them whoſe ſpirituall office is to adjure and to denounce, and ſo left to the conſcience. The *Law* can only appoint the juſt and equall conditions of divorce, and is to look how it is an injury to the divorc't, which in truth it can be none, as a meer ſeparation; for if ſhe conſent, wherin has the Law to right her? or conſent not; then is it either juſt, and ſo deſerv'd; or if unjuſt, ſuch in all likelihood was the divorcer, and to part from an unjuſt man is a happineſſe, and no injury to be lamented. But ſuppoſe it be an injury, the Law is not able to amend it, unles ſhe think it other then a miſerable redreſs to return back from whence ſhe was expelled, or but intreated to be gone, or elſe to live apart ſtill maried without mariage, a maried widow. Laſt, if it be to chaſten the divourcer, what Law puniſhes a deed which is not morall, but natural, a deed which cannot certainly be found to be an injury, or how can it be puniſht by prohibiting the divorce, but that the innocent muſt equally partake both in the ſhame and in the ſmart. So that which way ſoever we look the *Law* can to no rationall purpoſe forbid divorce, it can only take care that the conditions of divorce be not injurious. Thus then we ſee the triall of law how impertinent it is to this queſtion of divorce, how helpleſſe next, and then how hurtfull.

CHAP. XXII.

The laſt Reaſon, why divorce is not to be reſtraind by Law, it being againſt the Law of nature and of Nations. The larger proof wherof referrd to Mr. Seldens *Book* De jure naturali & gentium. *An objection of* Paræus *anſwerd. How it ought to be ordered by the Church. That this will not breed any worſe inconvenience nor ſo bad as is now ſuffered.*

THerfore the laſt Reaſon why it ſhould not be, is the example we have, not only from the nobleſt and wiſeſt Common-wealths, guided by the cleareſt light of human knowledge, but alſo from the divine teſtimonies of God himſelf, lawgiving in perſon to a ſanctify'd people. That all this is true, who ſo deſires to know at large with leaſt pains, and expects not heer overlong rehearſals of that which is by others already ſo judiciouſly gather'd, let him haſten to be acquainted with that noble volume written by our learned *Selden, Of the Law of nature and of Nations*, a work more uſefull and more worthy to be perus'd, whoſoever ſtudies to be a great man in wiſdom, equity, and juſtice, then all thoſe *decretals, and ſumles ſums*, which the *Pontificall Clerks* have

have doted on, ever since that unfortunat mother famously sinn'd thrice, and di'd impenitent of her bringing into the world those two misbegotten infants, and for ever infants *Lombard* and *Gratian*, him the compiler of Canon iniquity, tother the *Tubalcain* of scholastick Sophistry, whose overspreading *barbarism* hath not only infus'd their own bastardy upon the fruitfullest part of human learning; not only dissipated and dejected the clear light of nature in us, and of Nations, but hath tainted also the fountains of divine Doctrine, and render'd the pure and solid Law of God unbeneficial to us by their calumnious dunceries. Yet this Law which their unskilfulnesse hath made liable to all ignominy, the purity and wisdom of this Law shall be the buckler of our dispute. Liberty of divorce we claim not, we think not but from this Law; the dignity, the faith, the authority thereof is now grown among Christians, O astonishment! a labour of no mean difficulty and envy to defend. That it should not be counted a faltring dispence, a flattring permission of sin, the bill of adultery, a snare, is the expence of all this apology. And all that we solicite is, that it may be suffer'd to stand in the place where God set it amidst the firmament of his holy Laws to shine, as it was wont, upon the weaknesses and errors of men perishing els in the sincerity of their honest purposes: for certain there is no memory of whordoms and adulteries left among us now, when this warranted freedom of Gods own giving is made dangerous and discarded for a scrowle of licence. It must be your suffrages and Votes, O Englishmen, that this exploded decree of God and *Moses* may scape, and come off fair without the censure of a shamefull abrogating: which, if yonder Sunne ride sure, and mean not to break word with us to morrow, was never yet abrogated by our Saviour. Give sentence, if you please, that the frivolous Canon may reverse the infallible judgement of *Moses* and his great director. Or if it be the reformed writers, whose doctrine perswades this rather, their reasons I dare affirm are all silenc't, unlesse it be only this. *Pareus* on the Corinthians would prove that hardnes of heart in divorce is no more now to be permitted, but to be amerc't with fine and imprisonment. I am not willing to discover the forgettings of reverend men, yet here I must. What article or clause of the whole new Cov'nant can *Pareus* bring to exasperat the judiciall Law, upon any infirmity under the Gospel? (I say infirmity, for if it were the high hand of sin, the Law as little would have endur'd it as the Gospel) it would not stretch to the dividing of an inheritance; it refus'd to condemn adultery, not that

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these things should not be don at Law, but to shew that the Gospel hath not the least influence upon judiciall Courts, much lesse to make them sharper, and more heavy; lest of all to arraine before a temporall Judge that which the Law without summons acquitted. But saith he, the law was the time of youth, under violent affections, the Gospel in us is mature age, and ought to subdue affections. True, and so ought the Law too, if they be found inordinat, and not meerly naturall and blameles. Next I distinguish that the time of the Law is compar'd to youth, and pupillage in respect of the ceremoniall part, which led the Jews as children through corporal and garish rudiments, until the fulnes of time should reveal to them the higher lessons of faith and redemption, This is not meant of the moral part, therin it soberly concern'd them not to be babies, but to be men in good earnest: the sad and awfull majesty of that Law was not to be jested with, to bring a bearded nonage with lascivious dispensations before that throne, had bin a lewd affront. as it is now a grosse mistake. But what discipline is this *Parens* to nourish violent affections in youth, by cockring and wanton indulgences, and to chastise them in mature age with a boyish rod of correction. How much more coherent is it to Scripture, that the Law as a strict Schoolmaster should have punisht every trespasse without indulgence so banefull to youth, and that the Gospel should now correct that by admonition and reproof only, in free and mature age, which was punisht with stripes in the childhood and bondage of the Law. What therfore it allowd then so fairly, much lesse is to be whipt now, especially in penall Courts: and if it ought now to trouble the conscience, why did that angry accuser and condemner Law repreev it? So then, neither from *Moses* nor from Christ hath the Magistrate any authority to proceed against it. But what? Shall then the dispossall of that power return again to the master of family? Wherefore not? Since God there put it, and the presumptuous Canon thence bereft it. This only must be provided, that the ancient manner be observ'd in presence of the Minister & other grave selected Elders; who after they shall have admonisht & prest upon him the words of our Saviour, and he shall have protested in the faith of the eternal Gospel, and the hope he has of happy resurrection, that otherwise then thus he cannot do, and thinks himself, & this his case not contain'd in that prohibition of divorce which Christ pronounc't, the matter not being of malice, but of nature, and so not capable of reconciling, to constrain him furder were to unchristen him, to unman him, to throw the mountain

tain of *Sinai* upon him, with the weight of the whole Law to boot, flat against the liberty and essence of the Gospell, and yet nothing available either to the sanctity of marriage, the good of husband, wife, or children, nothing proficable either to Church or Commonwealth; but hurtfull and pernicious to all these respects. But this will bring in confusion. Yet these cautious mistrusters might consider, that what they thus object lights not upon this book, but upon that which I engage against them, the book of God and of *Moses*, with all the wisdome and providence which had fore-cast the worst of confusion that could succeed, and yet thought fit of such a permission. But let them be of good cheer, it wrought so little disorder among the Jews, that from *Moses* till after the captivity, not one of the Prophets thought it worth rebuking; for that of *Malachy* well looke into, will appeare to be, not against divorcing, but rather against keeping strange Concubines, to the vexation of their *Hebrew* wives. If therefore wee Christians may be thought as good and tractable as the Iewes were, and certainly the prohibiters of divorce presume us to be better, then lesse confusion is to be fear'd for this among us, then was among them. If wee be worse, or but as bad, which lamentable examples confirme we are, then have we more, or at least as much need of this permitted law, as they to whom God therefore gave it (as they say) under a harsher cov'nant. Let not therfore the frailty of man goe on thus inventing needlesse troubles to it self, to groan under the false imagination of a strictnes never imposd from above; enjoyning that for duty which is an impossible and vain supererogating. *Be not righteous overmuch*, is the counsell of *Ecclesiastes*, *why shouldst thou destroy thy selfe?* Let us not be thus over-curious to strain at *atoms*, and yet to stop every vent and cranny of permissive liberty, lest nature wanting those needfull pores, and breathing places which God hath not debarr'd our weaknesse, either suddenly break out into some wide rupture of open vice, and frantick heresie, or else inwardly fester with repining and blasphemous thoughts, under an unreasonable and fruitlesse rigor of unwarranted law. Against which evills nothing can more beseeme the religion of the Church, or the wisedome of the State, then to consider timely and provide. And in so doing, let them not doubt but they shall vindicate the misreputed honour of God and his great Lawgiver, by suffering him to give his own laws according to the condition of mans nature best known to him, without the unsufferable imputation of dispencing legally with many ages of ratify'd adul-

very. They ſhall recover the miſattended words of Chriſt to the ſincerity of their true ſenſe from manifold contradictions, and ſhall open them with the key of charity. Many helpleſs Chriſtians they ſhall raiſe from the depth of ſadnes and diſtreſſe, utterly unfitted, as they are, to ſerve God or man: many they ſhall reclaime from obſcure and giddy ſects, many regain from diſſolute and bruti∫h licence, many for deſperate hardnes, if ever that were juſtly pleaded. They ſhall ſet free many daughters of *Iſrael*, not wanting much of her ſad plight *whom Satan had bound eighteen yeares*. Man they ſhall reſtore to his juſt dignity, and prerogative in nature, preferring the ſouls free peace before the promiſcuous draining of a carnall rage, Mariage from a perilous hazard and ſnare, they ſhall reduce to bee a more certain hav'n and retirement of happy ſociety; when they ſhall judge according to God and *Moſes*, and how not then according to Chriſt? when they ſhall judge it more wiſdome and goodnes to break that cov'nant ſeemingly and keep it really, then compulſion of law to keep it ſeemingly, and by compulſion of blameles nature to break it really, at leaſt if it were ever truly joyn'd. The vigor of diſcipline they may then turne with better ſucceſſe upon the proſtitute looſenes of the times, when men finding in themſelves the infirmities of former ages, ſhall not be conſtrain'd above the gift of God in them, to unprofitable and impoſſible obſervances never requir'd from the civileſt, the wiſeſt, the holieſt Nation, whoſe other excellencies in morall vertue they never yet could equall. Laſt of all, to thoſe whoſe mind ſtill is to maintain textuall reſtriction, whereof the bare ſound cannot conſiſt ſometimes with humanity, much leſſe with charity, I would ever anſwer by putting them in remembrance of a command above all commands, which they ſeeme to have forgot, and who ſpake it; in compariſon whereof this which they ſo exalt, is but a petty and ſubordinate precept. *Let them goe* therefore with whom I am loath to couple them, yet they will needs run into the ſame blindnes with the Phariſes, *let them goe therefore* and conſider well what this leſſon means, *I will have mercy and not ſacrifice*; for on that *ſaying all the Law and Prophets depend*, much more the Goſpel whoſe end and excellence is mercy and peace: Or if they cannot learn that, how will they heare this, which yet I ſhall not doubt to leave with them as a concluſion: That God the Sonne hath put all other things under his own feet; but his Commandements hee hath left all under the feet of Charity. *The end.*

Page 15. line 8. *read* it the glaſſy Sea. p. 32. l. 6. *for* or, *read* nor. p. 34. l. 15. *read* any Tyrant or Politician. p. 39. l. 32. *for* give *read* find. lin. 34. *for* will, freewill. l. 38. *read* he acquitts, p. 51. l. 26. for, without a comma.

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